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ABSTRACT

This report provides an overview of major differences between current law and the House and Senate versions of educational legislation (H.R. 5) expected to be considered early in the second session of the 100th Congress, as well as a side-by-side comparison of the current and proposed legislation. Program areas covered in both the overview and the comparison include: (1) education for the disadvantaged, including grants to local education agencies, state agency programs, Even Start, dropout prevention and secondary school basic skills instruction, and general provisions; (2) state education block grant; (3) bilingual education; (4) science, mathematics, and foreign language education; (5) adult education; (6) impact aid; (7) magnet schools; (8) gifted and talented education; (9) drug abuse education; (10) immigrant education; (11) Indian and Native Hawaiian education; (12) special programs, including effective schools, Ellender Fellowships, family-school partnership, the Excellence in Education Program, the Fund for the Improvement and Reform of Schools and Teaching, optional tests for educational excellence, parental choice open enrollment demonstration, rural education opportunities, Secretary's Fund for Innovation in Education, territorial assistance, women's educational equity; (13) administrative provisions, including audits, Center for Education Statistics, and National Assessment of Educational progress; (14) vocational education; (15) comprehensive child development program; (16) education and training of disabled persons; and (17) obscene telephone calls. (RH)

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CRS REPORT FOR CONGRESS

FEDERAL AID TO ELEMENTARY AND SECONDARY EDUCATION: A SIDE-BY-SIDE COMPARISON OF CURRENT LAW WITH H.R. 5, AS PASSED BY THE HOUSE OF REPRESENTATIVES (THE SCHOOL IMPROVEMENT ACT OF 1987) AND BY THE SENATE (THE ROBERT T. STAFFORD ELEMENTARY AND SECONDARY EDUCATION IMPROVEMENT ACT OF 1987)

by
The Education Section
Education and Public Welfare Division
and Selected Other Specialists

PS 017289

November 27, 1987
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FEDERAL AID TO ELEMENTARY AND SECONDARY EDUCATION: A SIDE-BY-SIDE COMPARISON OF CURRENT LAW WITH H.R. 5, AS PASSED BY THE HOUSE OF REPRESENTATIVES (THE SCHOOL IMPROVEMENT ACT OF 1987) AND BY THE SENATE (THE ROBERT T. STAFFORD ELEMENTARY AND SECONDARY EDUCATION IMPROVEMENT ACT OF 1987)

INTRODUCTION

The 100th Congress is currently considering legislation to amend and extend most programs of Federal aid to elementary and secondary education. 1/ Both the House of Representatives, 2/ and the Senate have passed different versions of H.R. 5, 3/ which is expected to be considered by a conference committee early in the second session of the 100th Congress. This report provides: (a) a brief, narrative overview, and (b) a side-by-side comparison, of major provisions of current law with the two versions of H.R. 5 regarding current--and proposed new--programs of Federal aid to elementary and secondary education.

The order of presentation of program areas, which is the same for both the overview and the side-by-side comparison, is somewhat different from that in either version of H.R. 5; please refer to the table of contents for a listing of the order of topics and page numbers for the side-by-side comparison. Given the number of programs included in these bills, and the relative complexity of

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1/ The major elementary and secondary education programs not reauthorized in the legislation curently being considered are the Education of the Handicapped Act and the Carl D. Perkins Vocational Education Act.

2/ H.R. 5 was passed by the House on May 21, 1987.

3/ H.R. 5 was passed by the Senate, in lieu of S.373, on December 1, 1987.

several of them, this report is limited to major program provisions, with an emphasis on provisions of current programs that would be significantly changed by either version of H.R. 5. For more detailed information on these programs, please contact the Congressional Research Service or refer to the following reports and issue briefs:

--Federal Assistance for Elementary and Secondary Education: Background Information on Selected Programs Likely to be Considered for Reauthorization by the 100th Congress, CRS Report for Congress 87-330 EPW, by the Education Section, Education and Public Welfare Division, January 27, 1987;

--Adult Literacy Issues, Programs, and Options, CRS issue brief 85167, by Paul Irwin, updated regularly;

--The Bilingual Education Act--Should a specific instructional approach be supported?, CRS issue brief 86139, by Ruby Ann Esquibel, updated regularly;

--Block Grant Funding for Federal Education Programs: Background and Pro and Con Discussion, CRS Report for Congress 86-992 S, by K. Forbis Jordan, November 18, 1986;

--Education for Disadvantaged Children: Reauthorization Issues, CRS issue brief 87070, by Wayne Riddle, updated regularly; and

--Federal Elementary and Secondary Education Programs: Reauthorization Issues, CRS issue brief 87055, by Wayne Riddle, updated regularly.

OVERVIEW OF MAJOR DIFFERENCES BETWEEN CURRENT LAW AND THE TWO VERSIONS OF H.R.5

Education for the Disadvantaged

Both bills update the formula for allocating chapter 1 basic grants to local educational agencies (LEAs), and place special emphasis on the funding of concentration grants to LEAs with especially high numbers or percentages of children from low income families. Both versions of H.R. 5 authorize LEAs to use a portion of their grants for innovative programs or incentive grants to schools with successful programs. An increased focus on program innovation and effectiveness is also reflected in both bills' provisions for school-wide projects, State and local program assessment and technical assistance, establishment of national standards for program evaluation by States and LEAs, a national longitudinal study of program effects, and new evaluation or study requirements for the State agency programs (for migrant, handicapped, and neglected or delinquent students).

Both versions of H.R. 5 expand current chapter 1 provisions for parental involvement and participation of private school pupils in similar fashion. Each bill authorizes new grant programs for basic skills education in secondary schools and dropout prevention. The bills have similar provisions dealing with State and Federal program administration--including limitations on the carryover of grants to succeeding fiscal years, program regulations, use of funds to pay indirect costs, and dissemination of a chapter 1 policy manual.

Both bills make virtually identical changes in the chapter 1 State agency programs. They base migrant education program allocations on children between the ages of 3 and 21 years, inclusive, rather than 5 and 17, and they require better eligibility certification and reduced child count error rates. Currently migrant preschool children may be served before formerly migrant school age children. Coordination with more Federal programs is required. The bills allow a portion of State agency neglected and delinquent program funds to be used for transition services. They require better coordination between the State agency handicapped program and programs funded by the Education of the Handicapped Act.

Both bills require the Department of Education to conduct a study of the allocation formulas of chapter 1 and other Federal elementary and secondary education programs. They mandate a GAO study of the State agency handicapped program. The House version of H.R. 5, but not the Senate bill, establishes an independent commission to study migrant education.

Both bills authorize a new Even Start program for joint education of educationally disadvantaged parents and their children aged 1-7 years, although this program is a part of chapter 1 only under the House bill. Also, the program is based on formula grants to the States, in proportion to chapter 1 basic grants but with State percentage floor and ceiling limitations, under the House-passed version of H.R. 5, but grants are made at the discretion of the Secretary of Education under the Senate bill.

The relatively few major differences between the House and Senate versions of H.R. 5 regarding education for the disadvantaged include certain allocation formula provisions. For basic grants to LEAs, the Senate version of H.R. 5 retains only through FY 1991 the allocation formula provision for counts of children in families receiving Aid to Families with Dependent Children

(AFDC) payments above the poverty level (for a family of 4), and requires the GAO to conduct a study of the role of this provision in the allocation formula. The House version of H.R. 5 provides that appropriations for chapter 1 LEA grants above the fiscal year (FY) 1987 level, up to a total of $400 million, be devoted to concentration grants, while the Senate bill requires that appropriations for chapter 1 overall (except the new programs of dropout prevention and secondary school basic skills improvement) between $4.3 and $4.7 billion, plus 10 percent of the amount above $4.7 billion, be reserved for concentration grants. Under the House bill's concentration grant formula, grants are made to counties meeting the thresholds of 6,500 formula children or a 15 percent rate (as a percentage of all children aged 5-17 years), while the Senate version has a 2-part concentration grant formula--one-half of funds is distributed to States using the chapter 1 basic grant formula, and one-half on the basis of counties meeting thresholds of 5,000 formula children or a formula child rate of 20 percent. Further, the House version of H.R. 5 initiates a State minimum allocation for basic grants of 0.25 percent, while the Senate version has a State minimum of the greater of 0.25 percent or $250,000 for each half of its concentration grant formula (compared to 0.25 percent alone under the House bill). Finally, only the House bill mandates a GAO study of private school pupil participation in chapter 1, a National Commission on Migrant Education, and studies of the effectiveness of tutoring chapter 1 participants by postsecondary students and of effective chapter 1 programs in rural areas.

State Education Block Grant

Both bills rewrite the education block grant program authorized by chapter 2 of the Education Consolidation and Improvement Act of 1981 (ECIA), and extend the program through FY 1993. Both bills delete references to the

more than 40 antecedent programs that were consolidated into the chapter 2 program in 1981, but retain many of the administrative provisions of the current program. The House bill authorizes $580 million for FY 1988; the Senate bill authorizes $580 million for FY 1989. The FY 1987 appropriation for chapter 2 was $529 million.

Under the House bill, State educational agencies are to use chapter 2 funds for a restricted list of activities, including administration (up to a maximum of 25 percent of funds), technical assistance, and "effective schools" programs (with a minimum of 25 percent of funds). The House bill authorizes LEAs to spend funds on nine types of activities (including five special projects) related to educational innovation or excellence. Under the Senate bill, State and LEAs are authorized to spend funds on the same list of 11 types of activities. The House bill places special emphasis on State and local "effective schools" activities; the Senate bill does not explicitly authorize chapter 2 expenditures for these activities, but authorizes a separate "effective schools" program (in part B of title II). Unlike current law, both bills require a systematic evaluation and reporting system at the local, State, and Federal levels. The Senate bill adds a Blue Ribbon Schools program to recognize excellence or quality in local schools or programs.

Bilingual Education

Both versions of H.R. 5 similarly extend the Act through fiscal year 1993 and authorize bilingual education programs, support services, and training activities. Both bills provide for support and consultation with parental advisory councils and stipulate that information be provided to parents in a language and form they understand concerning their children's performance in programs assisted under this title. Each bill eliminates the National Advisory

and Coordinating Council on Bilingual Education, while providing for the Secretary of Education to consult instead with State and LEAs and other organizations involved in bilingual education.

The major differences between the House and Senate versions of H.R. 5 regarding bilingual education include the allocation of funds, program regulations, and reporting standards. The House bill allocates the same level of funding for bilingual education programs as they received in FY 1987, plus increases for inflation. At least 70 percent, but no more than 75 percent, of any new funds appropriated for the Act above the FY 1987 level are reserved for the support of alternative instructional approaches to transitional bilingual education. Of the remaining new funds above the FY 1987 level, 25 percent are reserved for transitional and developmental bilingual education. The Senate-passed bill provides more funding for alternative instructional approaches; specifically, the Senate version allocates 60 percent of appropriations to bilingual education programs, with at least 75 percent of these amounts reserved for transitional and developmental bilingual education. The Senate bill allows for no more than 25 percent of appropriations to be used for special alternative instructional programs. The minimum grant amount paid to a State education agency that has an approved State program is increased to $75,000 in the House version of H.R. 5. The Senate version retains the minimum State program grant at $50,000, with stipulations on the maximum amount payable as well.

The Senate version of H.R. 5 contains a requirement to limit the time a student may remain in a program funded under this title to no more than 5 years, and only if sufficient need is demonstrated. The House version of H.R. 5 has no similar requirement concerning length of program enrollment. The Senate version also allows for programs to develop instructional materials not

available commercially, and prohibits the assignment of pupils to this--or any other federally-assisted education--program "merely on the basis of their surname." Both bills require the Secretary of Education to submit a report on the operation of this title to the President and Congress, but the Senate bill requires the Secretary's report to be submitted in 1992 rather than biannually as in the House bill. The House version also requires the Director of the Office of Bilingual Education and Minority Languages Affairs to submit an annual report on services, grants, and contracts under this program to the President and Congress.

Science, Mathematics, and Foreign Language Education

Both bills provide for a Federal math and science education program, modifying the authorized activities specified under current law (Title II, Education for Economic Security Act) and more narrowly focusing the program. The Senate bill deletes most references to improving foreign language instruction, but authorizes a separate foreign language education program; the House bill, in addition, deletes references to computer learning. Both bills (the House bill to a greater degree) focus more assistance on elementary and secondary education programs than is the case under current law. The share of the annual appropriation for the Secretary's discretionary grants is reduced by both bills (the Senate somewhat more so than the House). The House bill adds States' shares of chapter 1 allocations as an additional basis for interstate distribution of funds, a change likely to provide more funds to States with substantial low-income populations. The House bill raises the current FY 1988 authorized appropriation level from $350 million to $400 million. The Senate bill, in contrast, does not affect the FY 1988 authorization and provides a reduced level of $280 million for FY 1989. Although both bills authorize

funding through FY 1993, only the Senate bill specifies amounts for each of those years (rising in stages to $355 million by FY 1993). The Senate bill, but not the House bill, authorizes a new Star Schools program of assistance to telecommunications partnerships for improving math, science, and foreign language instruction.

Currently, the only specific provision for Federal support of foreign language education in elementary and secondary schools is the authority for State and LEAs to use a portion of grants under title II of the Education for Economic Security Act (EESA) for this purpose, if their needs in the areas of science and mathematics education have been met. H.R. 5, as passed by the Senate, authorizes a new program of aid to elementary and secondary foreign language education, under title VI, part B, the "Foreign Language Assistance Act of 1987" (FLAA). Under the FLAA, grants are to be made to the States in proportion to their population aged 5-17 years, with no State to receive less than 0.5 percent of appropriations, for aid to model local programs of elementary and secondary school foreign language education. The assisted programs are to focus on "critical" foreign languages, as defined by the Secretary of Education. The appropriations authorization level is $21 million for FY 1989, rising to $25 million for FY 1993. In addition, the Senate bill authorizes $1 million for a program of Presidential awards to outstanding elementary and secondary school foreign language teachers.

Adult Education

The House bill rewrites the Adult Education Act (AEA); the Senate bill amends specific provisions. Both bills extend the program through FY 1993. The House bill modifies the State allotment formula to restrict funds to the Outlying Areas; specifies additional local application procedures; places a

ceiling on the use of AEA funds for administrative expenses; specifies State advisory council procedures, requires States to evaluate their AEA programs; prohibits States from using AEA funds to supplement non-Federal funds; and requires the Secretary of Education to fund farmworker and immigrant education programs, literacy volunteer training, and other activities related to adult literacy. The House bill authorizes new programs for employed adults, with a limit of 10 percent of each State grant to be used for such programs; the Senate bill separately authorizes such programs through the use of partnerships between education and the private sector. The Senate bill decreases to 10 percent (from 20 percent) the limit on State use of AEA funds for programs for institutionalized persons but changes this limit from a maximum to a minimum; authorizes a separate AEA literacy program for adults with limited English proficiency; and repeals the National Advisory Council on Adult Education. Both bills increase the non-Federal matching requirement for States. The Senate bill replaces the State allotment formula for adult education programs under the Stewart B. McKinney Homeless Assistance Act, P.L. 100-77, giving discretionary authority to the Secretary of Education instead.

Impact Aid

The two bills take very different approaches to the Impact Aid program. As passed by the House, H.R. 5 extends the program but makes no substantive change to current law. In contrast, the Senate version of H.R. 5 presents a whole new payment formula, modifies entitlement levels for pupils whose parents live or work on Federal property, and makes a number of technical changes to the program. The main thrust of the payment formula changes is to be more specific about how LEAs are paid when appropriations are less than entitlements, a situation that has occurred during each of the last several years. LEAs are to

be paid under section 3 in three "waves," with specific minimum payment amounts if insufficient funds are appropriated for any of the three "waves." The Senate bill also mandates a GAO study of the effectiveness of the Impact Aid school construction program.

Magnet Schools

Both bills repeal the current Magnet Schools Assistance program, but establish new programs that are very similar to current law (renamed Magnet Schools to Overcome Racial Isolation program under the Senate bill). The primary difference relates to the annual authorization level--$115 million for FY 1988 and "such sums as may be necessary" through FY 1993 under the House bill; $115 million for FY 1989, rising to $140 million for FY 1993, under the Senate bill. This assistance supports magnet schools in districts implementing eligible desegregation plans. In addition, the Senate bill authorizes a new Magnet Schools for Educational Improvement program to support magnet schools in districts with significant percentages of minority students, but without regard to desegregation. The annual authorization is $35 million for FY 1989, rising to $43 million by FY 1993. For this program to be funded, the Senate bill requires that the desegregation-related magnet school program must have an annual appropriation of $100 million or more.

Gifted and Talented Education

Both versions of H.R. 5 establish similar programs for the education and identification of gifted and talented children. There are three major differences between the bills. The House version of H.R. 5 establishes an advisory committee on gifted and talented children that would advise the Secretary and

the newly established National Center for Research and Development in the Education of Gifted and Talented children on the most urgent educational needs of gifted and talented children and how best to met those needs. The committee would also assess the effectiveness of the newly established Federal program for gifted and talented children. The authorization of appropriations also differ. The House-passed version of H.R. 5 provides $25 million for the first year of implementation (FY 1988) and "such sums as may be necessary" for each of the next 5 fiscal years. The Senate bill authorizes $15 million in the program's first year (FY 1989) and specific amounts increasing each year until FY 1993 when authorizations would reach $18.3 million. Both bills establish similar priorities for awarding funds under this Act. The Senate version, however, includes an additional priority that would require half of the grants or contracts awarded funds each year (under this Act) to contain program components specifically aimed at serving gifted and talented children who are economically disadvantaged.

Drug Abuse Education

Only the House-passed version of H.R. 5 extends the authorization for the drug abuse education provisions of the Drug-Free Schools and Communities Act of 1986; the Senate bill contains no provisions related to this program. 4/ Among the relatively few changes that the House bill makes to this program are: a requirement that drug abuse education activities include a youth suicide

4/ On December 15, 1987, the Senate passed H.J.Res. 90, a bill requesting the President to call a White House Conference on Library and Information Services. During Senate floor debate on this bill, an amendment was adopted to amend the education provisions of the Drug Free Schools and Communities Act of 1986, and extend the authorization for this program through FY 1993. It is not yet known how, and whether, the drug abuse education provisions of H.R. 5 as passed by the House, and H.J.Res. 90 as passed by the Senate, will be coordinated or conferred upon.

prevention program, and that the Secretary of Education conduct a study of the relationship between drug abuse and youth suicide; a provision that funds be allocated to LEAs on the basis of public and private school enrollments, not school-age population; and a requirement that States submit annual reports on activities assisted under this program, and that LEA applications for assistance include descriptions of the current drug and alcohol abuse problems in their schools.

Immigrant Education

Only the House version of H.R. 5 extends the Emergency Immigrant Education Act through FY 1993, with amendments concerning reporting, assessment, and authorization of appropriations. The House bill requires State education agencies to submit an annual report to the Secretary of Education on program services and participants. The Secretary is required to submit an annual report to the House Committee on Education and Labor and the Senate Committee on Labor and Human Resources. The House-passed version of H.R. 5 also requires the GAO to conduct an assessment of the program and submit a report on its findings to the House Committee on Education and Labor and the Senate Committee on Labor and Human Resources in 1989 and every third year thereafter. The House bill authorizes $40 million to be appropriated for FY 1990.

Indian and Native Hawaiian Education

Both bills contain provisions that amend existing legislation for Indian education programs, as well as authorizing new programs. Both bills also establish new programs of aid for the education of Native Hawaiians.

Both bills substantially amend legislative provisions for Indian education programs administered by the Bureau of Indian Affairs (BIA), of the Department of the Interior, and the Indian Education Act (IEA), administered by the Department of Education (ED). For education programs conducted in BIA-operated or -supported schools, the House and Senate versions amend current law regarding: Federal recognition of schools and dormitories; establishment, transferral, or termination of schools; boarding standards for dormitories; formulas for allocation of financial aid; scope of Federal regulations; administrative cost allowances; procurement of instructional equipment and materials; consultation with tribal organizations; and Indian preference in personnel actions. In addition, both bills mandate a study of personnel compensation in BIA-funded schools, and authorize a new program of grants for the operation of Indian-controlled schools.

Only the House version amends provisions related to school board training and the coordination of programs at BIA schools with those of local public schools; it also authorizes a "Native American Indian School Act," under which up to five relatively independent Native American Indian Schools would be established, to serve Indian students residing on Indian lands. Only the Senate bill authorizes new programs for early childhood education, tribal departments of education, a study of Johnson-O'Malley Act allocations, and a White House Conference on Indian Education.

Both the House and Senate bills extend the elementary, secondary, post-secondary, and adult education programs of the Indian Education Act, with relatively few amendments; the National Advisory Council on Indian Education is extended as well. Only the Senate bill authorizes a separate program to establish centers for the education of gifted and talented Indian students.

Both the House and Senate bills establish a number of new, relatively small, education programs for Native Hawaiians. These programs authorize aid for the implementation of a model curriculum, family-based education centers, postsecondary education fellowships, special education services for handicapped students, and demonstration programs for the gifted and talented.

Special Programs

Both bills authorize assistance for Effective Schools programs. These programs are to help schools attain strong leadership, an emphasis on basic and higher order skills, safe and orderly schools, an expectation that virtually all children can learn, and continuous assessment. The primary difference is the source of funding--the House bill requires SEAs to spend 25 percent of the SEA share of chapter 2 funds on effective schools programs; the Senate bill authorizes funding for a separate program ($25 million for FY 1989, rising to $30.5 million by FY 1993).

Both bills extend the Ellender Fellowships program, under which aid is provided to economically disadvantaged pupils and their teachers to participate in the instructional activities on American government of the Close-Up Foundation. The Senate bill expands this program to authorize fellowships also for older Americans and recent immigrants. Both bills require that particular consideration be given to those with special needs in awarding fellowships. The Senate bill (only) authorizes funding for a Family-School Partnership program. It is authorized at $10.5 million for FY 1989, rising to $14 million by FY 1993.

The House bill reauthorizes the Excellence in Education program as part of the School Improvement Act, reducing its FY 1988 authorization to $5 million

(current law authorization level is $16 million). The Senate bill repeals the program.

The Senate bill (only) establishes within the Department of Education a Fund for the Improvement and Reform of Schools and Teaching to support activities such as helping "at risk" students meet higher educational standards, improving professional standards of teachers, and increasing the number of minority teachers. There is to be regular contact between this Fund and the current Fund for Improvement of Postsecondary Education (Title X, Part A, Higher Education Act). The annual authorization is $18 million for FY 1989, rising to $22 million by FY 1993.

Authority for the Secretary of Education to establish Optional Tests for Academic Excellence to identify outstanding 11th graders is contained only in the Senate bill.

The Senate bill, but not the House bill, authorizes a Parental Choice Open Enrollment Demonstration, that would provide funding for school districts undertaking open enrollment demonstrations. Public school attendance in these districts must be subject to parental choice, without regard to attendance zones. The annual authorization is $15 million for FY 1989, rising to $19 million by FY 1993.

The Senate bill, unlike the House bill, establishes a new Rural Education Opportunities program of 10 regional rural educational assistance centers to assist State and LEAs improve the quality of education for educationally disadvantaged children who are participating in the chapter 1 program and who reside in rural areas or attend small schools. This program is authorized through FY 1993, with $10 million authorized to be appropriated in FY 1989.

The Senate bill authorizes a Secretary's Fund for Innovation in Education, providing funding for the Secretary of Education to support activities strengthening elementary and secondary education. These activities range from educational television and radio programming to comprehensive school health education. The House bill does not authorize a comparable fund, although it does create an Office of Comprehensive School Health Education in the Department of Education.

Both versions of H.R. 5 extend the current Territorial Assistance programs of General Assistance to (public education in) the Virgin Islands and Territorial Teacher Training, without substantive amendment.

Finally, the House-passed version of H.R. 5 provides that the Women's Educational Equity Act program shall be administered within the Office of Educational Research and Improvement, and by an individual reporting directly to the Assistant Secretary for Educational Research and Improvement. The House bill also continues the National Advisory Council on Women's Educational Programs. The Senate-passed bill authorizes lower appropriation levels and sets a lower appropriation threshold above which projects of local significance may be funded. The Senate bill requires the Secretary to issue only one report on the program, not annual reports.

Administrative Provisions

Enforcement Under the General Education Provisions Act (Audits)

Only the House-passed version of H.R. 5 amends the processes by which final audit determinations are decided and issued, appeals are made and considered, and misspent funds are recovered. It establishes an Office of Administrative Law Judges within the Department of Education to replace the Educa-

tion Appeals Board, and applies the Equal Access to Justice Act related to attorney fees and the process of legal discovery to the audit appeal process. The House bill gives the Secretary of Education the authority to establish a system of voluntary mediation in the audit process, and places the burden of proof in audit cases on the Department of Education until or unless a "prima facie" case against the grantee is established. It also requires that misspent funds be paid back to the Federal Government in an amount that is "proportionate to the extent of harm its violation caused to an identifiable Federal interest," and allows State and local educational agencies exemptions in repaying misspent funds under certain mitigating circumstances.

(National) Center for Education Statistics

Only the House bill amends the authorization for the Center for Education Statistics, and renames it as the National Center for Education Statistics. Under the House bill, the Center is headed by a Commissioner appointed by the President. The Center is currently authorized through FY 1991; the House bill extends the Center through FY 1993, with an FY 1988 authorization of $25.8 million.

Other provisions of the House bill related to the Center are as follows: the Commissioner is given independent authority to administer the Center; the membership of the advisory council is revised; the Commissioner (rather than the Secretary) must publish the annual report on the condition of education; the Center must collect statistics on persons with limited English proficiency; the Commissioner must report regularly on educational indicators; the Center must conduct a survey of postsecondary student financial aid every 3 years; the Center must conduct a national longitudinal survey of the educational progress of elementary and secondary school students; a National Cooperative Education

Statistics System is established in the Center; and the confidentiality of individually identifiable responses in surveys conducted by the Center is protected.

National Assessment of Educational Progress

The National Assessment of Educational Progress currently reports every 5 years on the performance of the Nation's students in the areas of reading, writing, and mathematics, and conducts special assessments of other areas as needed. Its minimum funding is $4 million; the FY 1987 appropriation was $5.2 million. The House bill requires the National Assessment to (a) report on the performance and (b) conduct a national longitudinal study of students served by the chapter 1 program for the education of the disadvantaged children.

The Senate bill rewrites and extends the authorization for the National Assessment through FY 1993, with a minimum funding level of $12.5 million in FY 1989; requires National Assessment reports on reading and mathematics every 2 years, writing and science every 4 years, and history, geography, and civics every 6 years; increases the geographic coverage to provide reports on a national, regional, and State basis; strengthens the privacy provisions for students and their families; requires an assessment of literacy of the adult population; replaces the 19-member Assessment Policy Committee, established by the organization that carries out the National Assessment, with a 20-member National Assessment Governing Board, appointed by the Secretary; and extends the authorization for the Office of Educational Research and Improvement through FY 1993.

Vocational Education

The Carl D. Perkins Vocational Education Act, P.L. 98-524, requires each State to reserve 8.5 percent of its basic State grant for vocational education programs serving single parents and homemakers. The Senate bill, but not the House bill, amends this provision so that funds may be used for programs for single pregnant women as well.

Comprehensive Child Development Program

The Senate-passed version of H.R. 5 (only) would authorize grants for planning and conducting a limited number (10-25) of comprehensive development projects for children from birth to the age of compulsory school attendance. This program would be administered by the DHHS and, like other programs under the Head Start Act, be focused on children from low-income families. The projects would provide a wide range of services, including educational, health, nutrition, social, and other services. This provision of the Senate version of H.R. 5 is similar to that of a separate bill reported by the Senate Committee on Labor and Human Resources, S. 1542 (S. Rept. 100-141).

Education and Training for Disabled Persons

Only the Senate version of H.R. 5 authorizes the Secretary of HHS to make a grant to the State of Utah for education and training services to individuals with disabilities. An FY 1988 appropriation of $4 million would be authorized for this purpose.

Obscene or Indecent Telephone Communications

The Senate-passed version of H.R. 5 (only) contains an amendment to the Communications Act of 1934 regarding the transmission of obscene or indecent communications over telephone lines. Currently, such communications are illegal only where the recipients are under the age of 18 years. The amendment in the Senate version of H.R. 5 would make such communications illegal in all cases.

A SIDE-BY-SIDE COMPARISON OF CURRENT LAW,
H.R. 5, AS PASSED BY THE HOUSE, AND
AS PASSED BY THE SENATE

EDUCATION FOR THE DISADVANTAGED

BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
CHAPTER 1, EDUCATION CONSOLIDATION AND IMPROVEMENT ACT	TITLE I, CHAPTER 1, PART A--BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES	TITLE I, CHAPTER 1, PART A--BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES
Children counted in the allocation of funds		
For the allocation of an amount equal to the FY 1979 appropriation, plus one-half of the increase over this level, the children counted in the allocation formula are: children aged 5-17 years in poverty families, according to the 1980 Census, but applying poverty criteria from the 1970 Census; children in families receiving Aid to Families With Dependent Children (AFDC) payments above the poverty level for a non-farm family of four; plus neglected, delinquent, and foster children for whose education local educational agencies (LEAs) have responsibility.	For all basic grant funds, children aged 5-17 years in poverty families, according to the 1980 Census, applying 1980 Census poverty criteria; children in families receiving AFDC payments in excess of the poverty level for a non-farm family of four; plus neglected, delinquent, and foster children for whose education LEAs have responsibility.	Same as the House bill, except that children counted on the basis of AFDC payments are included in the formula only through FY 1991, and the GAO is mandated to conduct a study of the role of AFDC child counts in the chapter 1 LEA grant formulas.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Remaining appropriations are allocated to States on the basis of children aged 5-17 years in families with income below 50 percent of the median income for 4-person families, according to the 1976 Survey of Income and Education (SIE). The latter amounts are allocated within States in proportion to populations counted in the first formula, above.		
Concentration grants to LEAs		
Grants are authorized for LEAs in counties where the number of children counted in the basic grant allocation formula (under the first formula described above--i.e., not those counted under the SIE provision) exceeds either 5,000 children or 20 percent of the total population aged 5-17 years. In distributing these funds, only the number of formula children above the	LEAs are eligible to receive concentration grants if the number of formula children exceeds 6,500 children, or if their percentage exceeds 15 percent. In allocating grants among eligible counties, all formula children are considered in counties meeting the 15 percent threshold, but only formula children in excess of the 6,500 child threshold otherwise. States may set aside	There are two concentration grant allocation formulas, each applying to one-half of the funds appropriated. The first formula is the same as that of current law, except that the State minimum is the greater of 0.25 percent or $250,000. Under the second formula, funds are allocated to States under the chapter 1 basic grant formula (as amended by H.R. 5/Senate), with a State minimum of

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
threshold(s) are counted. No concentration grants may be made unless funds are specifically appropriated for this purpose; no such funds have been appropriated since FY 1981. Within counties receiving concentration grants, all LEAs receive a share of these grants; however, the share is reduced if the LEA percentage of formula children is less than 20 percent. No State is to receive less than 0.25 percent of the total appropriation for concentration grants; the current statute is silent regarding the intrastate distribution of increases in State grants that result from application of the minimum grant provision.	up to 2 percent of total concentration grants to the State, to be allocated to LEAs in counties not eligible for such grants otherwise. Increases in LEA (basic plus concentration) grant appropriations above the FY 1987 level are reserved for concentration grants, up to $400 million. Within counties receiving concentration grants, only LEAs meeting the (15 percent or 6,500) threshold(s) may receive a share of these funds, unless no LEA in the county meets these thresholds. In States where grants are increased as a result of the State minimum, SEAs may allocate concentration grants either: (a) only to LEAs in counties meeting the 15 percent/ 6,500 thresholds, or (b) to LEAs in "rank order of their respective concentration and numbers of" formula children, but only to LEAs above the State average concentration.	the greater of 0.25 percent or $250,000. These funds are then generally allocated to LEAs meeting the (5,000/20 percent) thresholds of the first formula. Special intrastate allocation provisions apply to States receiving less than 1 percent of the concentration grant appropriations. All chapter 1 appropriations (except those for part B) between the levels of $4.3 and $4.7 billion, plus 10 percent of any funds above $4.7 billion, are reserved for concentration grants.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	State minimum basic grant	
No provision.	When the total funding for basic plus concentration grants exceeds the FY 1987 level plus $400 million, a 0.25 percent (of total basic grant appropriations) minimum is to be applied to basic grant allocations to each State. Total basic grants to a State may not increase by more than 50 percent above the previous year level. Further, the minimum is not to take effect unless total chapter 1 grants to each State equal or exceed those for FY 1987.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Cost factor in allocation formulas		
In the allocation of funds under all chapter 1 programs, the relevant formula child counts are multiplied by a cost factor to determine the maximum authorized payment levels. In all cases (except grants to Puerto Rico--see below), this cost factor is equal to the State average per pupil expenditure (APPE) for public elementary and secondary education, for the third preceding year, limited to be no more than 120 percent, or less than 80 percent, of the national APPE. Finally, this amount is multiplied by a "Federal share" of 40 percent.	Same as current law.	Same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Treatment of Puerto Rico in allocation formulas		
Puerto Rico is treated as a State, with 2 exceptions. First, in calculating the allocation formula cost factor--the dollar amount by which formula child counts is multiplied to determine maximum authorized payments--the minimum amount that is applied to all other States (80 percent of the national APPE) is multiplied by an additional reduction factor. The additional factor is the ratio of Puerto Rico's APPE divided by the lowest APPE for any State. Second, it is provided that Puerto Rico's total chapter 1 grant may not increase by more than 50 percent per year.	Same as current law.	Same as current law.
	Innovative projects/incentive grants	
No provision.	LEAs may set aside up to 5 percent of their grants to pay up to 50 percent of the costs of innovative projects or incentive grants to especially successful chapter 1 projects.	Same as the House bill, except there is no cost sharing requirement.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Selection of target school attendance areas		
Chapter 1 programs must generally be conducted in the school attendance areas of an LEA with the highest numbers or proportions of children from low income families. There are four types of exceptions to this requirement. **First**, LEAs may select target school attendance areas on the basis of educational disadvantage, not low income, in limited instances. **Second**, school attendance areas may be selected if their percentage of children from low income families is 25 percent or more, or if the area was eligible in either of the two previous years. **Third**, areas may be skipped from the selection process if provided with services similar to chapter 1 from non-Federal funds. **Fourth**, these requirements do not apply to LEAs with enrollment of 1,000 or fewer students, or which have a "uniformly high concentration" of children from low income families. Once the target school attendance areas are selected, chapter 1 funds are distributed among them largely at LEA discretion, but primarily on the basis of the number of educationally disadvantaged children to be served.	Same as current law, except that in the distribution of funds among target school attendance areas within an LEA, previously served children may still be counted (but not served) for up to 2 years after they are no longer educationally disadvantaged. Also, it is explicitly stated that school attendance areas are generally to be served in rank order according to the number or proportion of children from low income families. Further, an LEA may select any school attendance area if the LEA-wide variation in percentage of children from low income families among school attendance areas is no more than 5 percent.	Same as the House bill.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Parental involvement		
LEAs must consult the parents of children to be served. They must convene an annual meeting to explain the chapter 1 program to parents and may, if requested, provide support to other parental involvement activities.	LEAs must implement procedures "of sufficient size, scope, and quality to give reasonable promise of substantial progress toward achieving the goals" of informing parents about the chapter 1 program, training parents to help instruct their children, and consulting with parents on school-parent cooperation activities. LEAs are to have written policies on parental involvement in chapter 1; shall--if requested--provide support for parental involvement activities; must permit parent observation of chapter 1 activities; and shall hold parent meetings and parent-teacher conferences at least annually. Information provided to parents is to be in a language and form that parents can understand. LEAs may implement a number of other, specified types of parental involvement activities.	Same as the House bill. In addition, a separate program of demonstration grants for model family-school partnership programs in chapter 1 target school attendance areas is authorized in title II, part E of H.R. 5/Senate.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
School-wide projects		
Chapter 1 services may be provided on a school-wide basis--i.e., not limited to individual pupils determined to be most educationally disadvantaged--if the percentage of children from low income families is at least 75 percent, certain planning and evaluation requirements are met, and a specified level of supplementary funds is provided from non-Federal sources. The non-Federal supplementary funds per non-disadvantaged pupil in the school must equal, or exceed, the amount of chapter 1 funds per disadvantaged pupil.	The non-Federal matching fund requirement is removed, while several "accountability" requirements--such as demonstrated improvement in pupil achievement, and movement toward implementation of an "effective schools" program--are added.	Essentially the same as the House bill, except the requirement to move toward implementation of an "effective schools" program is excluded.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Participation by private school pupils		
Chapter 1 services must be provided to educationally disadvantaged private school pupils who reside in (public) school attendance areas selected for chapter 1 programs. Expenditures for such services must be equal to those for public school participants in the program, taking into account the number of private school pupils to be served and their special educational needs. If an LEA does not, or cannot, provide chapter 1 services to private school pupils, the Department of Education (ED) shall provide for the delivery of such services through a third-party organization ("by-pass arrangement").	Same as current law, except that grants are authorized to help LEAs meet increases since July 1, 1985, in "capital expenses" associated with serving private school pupils under chapter 1. Such "capital expenses" may include the rental of mobile classrooms, purchase of computer equipment, transportation, etc. This would provide a separate source of funds to meet costs that are now paid from chapter 1 basic grants. Grants would be made to States in proportion to the number of private school pupils served in the 1984-85 school year. A total of $30 million is authorized for this purpose for FY 1988, "such sums as may be necessary" for FY 1989-93. Also, it is required that the General Accounting Office (GAO) conduct a study of the participation of private school pupils in chapter 1; that LEA officials consult with private school officials regarding such participation; and that processes be established for resolution of complaints by private school pupils and their parents regarding chapter 1 services, with the Secretary of Education required to respond within 120 days.	Same as the House bill, except that the authorization level for "capital expenses" grants is $50 million for FY 1989, "such sums as may be necessary" for FY 1990-93. Also, the possible uses for these grants are specified in less detail. Further, there is no requirement for a GAO study of private school pupil participation in chapter 1.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Fiscal requirements		
In general, no LEA may receive its full chapter 1 grant unless its level of expenditures is equal to at least 90 percent of that for the second preceding year. Chapter 1 grants must be used to supplement, not supplant, the level of non-Federal funds that would otherwise be used for the education of participating pupils. State and local funds must also be distributed so as to provide comparable services in areas with and without chapter 1 programs. In determining compliance with the comparability and supplement/not supplant requirements, State and local funds for programs similar to chapter 1 may be excluded from consideration if certain conditions are met.	Essentially the same as current law.	Essentially the same as current law, except the supplement/not supplant requirement applies to grants under State and local programs similar to chapter 1 as well as regular State and local program funds.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Performance standards	
No provision.	If a chapter 1 program in a school does not result in increases in the aggregate achievement of participating pupils in 1 year, the LEA is to develop a plan for improvement of the performance of the chapter 1 program in that school. If there is no increase in aggregate participant achievement for 2 consecutive years, both the LEA and the SEA are to develop a plan for improved performance of that school's chapter 1 program.	Essentially the same as the House bill.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	PART D--PROGRAMS OPERATED BY STATE AGENCIES	**PART C--PROGRAMS OPERATED BY STATE AGENCIES**
	Subpart 1--Programs for Migratory Children	**Subpart 1--Programs for Migratory Children**
Grants--Entitlement and Amount		
Grants are made to State educational agencies to establish or improve education programs for migratory children of migratory agricultural workers or migratory fishermen. Entitlements are based upon the number of eligible migrant children aged 5 and 17 years, residing in a State full time, plus the full-time equivalent number of such children residing in a State part-time, multiplied by the same cost factor as used for chapter 1 basic grants (see above). No State may receive less than 85 percent of its grant for the previous year. Adjustments may be made for summer programs and if allocations to some States exceed amounts required.	Same as current law, except the age range of children who are counted is broadened to 3 to 21 years. Also, the 85 percent "hold harmless" provision is removed.	Same as the House bill, except that it is explicit that migratory children of migratory agricultural dairy workers are eligible.
The number of migrant children is based upon statistics from the migrant student record transfer system and other sources.	Same as current law, though States may not exceed a standard error rate of 5 percent in counting migrant children.	Same as the House bill.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
No provision.	The Secretary shall develop a national standard form for certifying migrant students.	Same as the House bill.
Program Requirements		
Payments must be used for programs designed to meet the special educational needs of eligible migratory children and for coordination of such programs, including transmittal of student records.	Same as current law.	Same as current law.
Coordination is required with certain programs under the Economic Opportunity Act and the Comprehensive Employment and Training Act.	References are updated to specify two Higher Education Act programs (the College Assistance Migrant Program and the Migrant High School Equivalency Program) and the migrant and seasonal farmworker programs under the Job Training Partnership Act. In addition, coordination is required with the Education of the Handicapped Act, the Community Services Block Grant Act, the Head Start program, the migrant health program, and all other appropriate programs under the Departments of Education, Labor, and Agriculture.	Same as the House bill.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
By reference, programs and projects must be administered consistent with the basic objectives of chapter 1 provisions pertaining to applications, children to be served, evaluation, maintenance of effort, supplement not supplant restrictions, comparability, and taking State and local funds into consideration in applying these requirements.	Basically the same, though requirements of referenced provisions are somewhat different. Adds eference to provision describing uses of funds. Also makes explicit the requirements for program evaluation, including objective measurement of basic skills achievement and determination of whether gains of certain formerly migratory children are sustained.	Same as the House bill.
Consultation with parent advisory councils is required at both the State and local educational agency levels.	Limits requirement to programs extending for the duration of a school year. However, all programs must comply with general chapter 1 requirements with respect to parent involvement.	Same as the House bill.
Provision must be made for preschool education needs except in cases where doing so, considering the funds available, detracts from programs and projects for school-age children.	Deletes exception. (Thus preschool currently migratory children may be served before school-age formerly migrant children.)	Same as the House bill.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Migrant Status		
With the concurrence of parents, migrant status shall be considered to continue for a period not exceeding 5 years, during which time the children reside in areas served by the programs. However, currently migratory students shall be given priority consideration by the programs.	Deletes provision pertaining to where children reside.	Same as the House bill.
By-Pass		
The Secretary may make special arrangements with public or non-profit private agencies to administer the program if States are unwilling or unable to do so, if it would result in more efficient and economic administration, or if it would add substantially to the welfare or educational attainment of migrant children.	Same as current law.	Same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Coordination Program		
The Secretary may enter into contracts with State educational agencies to improve interstate and intrastate coordination. Included is a contract for transferring migrant student records.	Except for the record transfer system, provides that activities are to be funded by grants, not contracts. Grants are limited to 3 years.	Same as the House bill, except that the record transfer system may be funded through either grants or contracts.
The student record transfer system contract shall be awarded to the State educational agency having the contract the preceding year, unless a majority of States object.	Deleted.	Same as the House bill.
For purposes of Federal law, activities under this section shall not be treated as information collection that is conducted or sponsored by a Federal agency.	Application of provision limited to student record transfer system contract.	Same as the House bill.
No comparable provision.	Grants or contracts shall be made to develop and establish a national program of high school credit exchange and accrual. Such grants or contracts are limited to 3 years.	Same as the House bill.
From funds appropriated for migrant education, the Secretary shall reserve for coordination activities an amount not less than $6 million nor greater than 5 percent.	Same, though makes explicit the authority of the Secretary to determine the amount.	Same as the House bill.

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Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Subpart 2--Programs for Handicapped Children	**Subpart 2--Programs for Handicapped Children**
Eligibility		
State agencies directly responsible for the education of handicapped children are eligible for grants.	State education agencies are eligible for grants.	Same as the House bill.
	Application requirements	
No provision.	To receive a grant, SEAs must provide certain assurances to the Secretary of Education regarding compliance and coordination with Education of the Handicapped Act (EHA) programs, and provide annual reports on children served, educational placements, and uses of funds. SEAs must also establish policies, procedures, and guidelines for transferring students from State to local programs and, regarding students under LEA jurisdiction, from separate schools and programs into regular educational environments.	Essentially the same as the House bill, except that specific language on State and local pupil transfer policies is not included.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Amount of grant		
The maximum grant a State is eligible to receive under this program is equal to the cost factor used for chapter 1 basic grants (see above) multiplied by the number of handicapped children currently, or--if certain conditions are met--previously, in average daily attendance at schools supported by State agencies. No State may receive less than 85 percent of its previous year grant under this program.	Same as current law, except that the child count is specified as the number of handicapped children enrolled on December 1 in programs or schools operated or supported by a State agency, including early intervention programs, in the most recent year for which data are available. Also, the 85 percent "hold harmless" provision is removed.	Same as the House bill.
Children transferred from State programs		
When children are transferred from State to local programs, they may continue to be counted under the State agency program if they receive an appropriate educational program, and the funds generated by the child are transferred from the State to the local agency.	Same as current law.	Same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Program requirements		
States must use grants for supplementary services designed to meet the special educational needs of handicapped children, and must administer these programs consistent with the application requirements and the general provisions of chapter 1.	State educations agencies must use program funds to provide supplementary services to meet either the special educational needs or the early intervention needs of handicapped children. Programs must be administered consistent with certain provisions of the EHA. Funds may not be used to provide services that were provided in the previous year with State or local funds. Recipients of funds must maintain data necessary for program evaluation.	Same as the House bill, except there is no specific prohibition against the use of funds to provide services previously provided with State or local funds. Also, grants under this program may not be used for construction.
	Uses of funds	
No comparable provision.	Funds may be used for specific activities described in the legislation, such as services in early intervention, preschool, elementary, secondary and transition programs; acquisition of equipment; employment of personnel; and certain training, outreach, and planning activities.	Essentially the same as the House bill.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Applications		
No comparable provision, but application requirements must be consistent with those of the chapter 1, basic grant program.	State or local agencies may receive grants if they have on file with the SEA an approved application describing projects to be undertaken over a 3-year period. Applications must assure that funded programs will comply with certain requirements of the EHA, are likely to provide a demonstrable benefit to children served, and comply with reporting requirements. Applications must contain certain information on children served, describe the purposes of programs and the methods of evaluating them, and specify the services that will be provided. Under certain circumstances, an SEA may accept a letter of request for payment, rather than a comprehensive application, from a State or local agency serving children under this program.	Same as the House bill.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Eligible children		
Children counted for purposes of payment entitlement and allocation (see above) must be served.	Children who may be served include handicapped children from birth through age 21 for whom the State is responsible for providing an education, who are participating in a State operated or supported school or program, or previously participated in such a program. If these children are fully served, then grants may be used to serve other handicapped children.	Same as the House bill.
General Accounting Office (GAO) study		
No provision.	The GAO must conduct a study of the State agency program for handicapped children, including its relationship to parts B and H of the Education of the Handicapped Act. The findings of this study must be reported to the House Committee on Education and Labor and the Senate Committee on Labor and Human Resources by Jan. 30, 1989.	Essentially the same as the House bill.

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Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Subpart 3--Programs for Neglected and Delinquent Children	**Subpart 3--Programs for Neglected and Delinquent Children**
State agencies responsible for the education of neglected and delinquent children are authorized to receive chapter 1 grants. The maximum authorized payment level for these grants is the number of neglected and delinquent children served by State agencies multiplied by the same cost factor as used for chapter 1 basic grants (see above). A "hold harmless" of 85 percent of the previous year grant is applied to each State. Separately, an amount equal to 5 percent of maximum grants for this program is authorized to be appropriated for transition services for neglected and delinquent children being transferred to local education programs.	Same as current law, with the following exceptions. A requirement for annual evaluation of these programs is added. The 85 percent "hold harmless" provision is removed from the allocation formula. States may reserve up to 10 percent of their grants for transition services to pupils who have recently been released from State institutions for the neglected and delinquent. In addition, it is stated that pupils who have been served under this program within the last 2 years are eligible to be served under the basic grant program; and that pupils may be eligible to be served under both this program and the State agency program for handicapped pupils.	Essentially the same as the House bill.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
No provision.	**PART B--EVEN START PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES** A new Even Start program is authorized as part B of chapter 1. Grants are to be allocated to States in proportion to chapter 1 basic grants, except that no State could receive less than 0.75 percent, or more than 5.0 percent, of total grants (although the 5.0 percent cap is removed if appropriations exceed $50 million), and 3 percent of the appropriation is set aside for grants to programs for migrants. Funds may be used for joint education of children aged 1-7 years living in chapter 1 basic grant target school attendance areas, and their parents eligible to be served under the Adult Education Act. Funds may also be used for staff training. The FY 1988 authorization is $50 million, while that for FY 1989-93 is "such sums as may be necessary." Awards are to be made by State review panels selected by the SEA.	**TITLE II, PART A--EVEN START ACT** Same as the House bill, except: (a) the program would be separate from chapter 1; (b) grants would be made on a discretionary basis by the Department of Education--there is no State allocation formula; (c) the authorized appropriations level is $25 million for FY 1989, rising to $30.5 million for FY 1993.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	TITLE I, PART C--SECONDARY SCHOOL PROGRAMS FOR BASIC SKILLS IMPROVEMENT AND DROPOUT PREVENTION AND REENTRY	**TITLE I, PART B--PROGRAMS FOR SECONDARY SCHOOL BASIC SKILLS IMPROVEMENT AND FOR SCHOOL DROPOUT PREVENTION, AND TITLE VIII--DEMONSTRATION PROJECTS DESIGNED TO ADDRESS SCHOOL DROPOUT PROBLEMS AND TO STRENGTHEN BASIC SKILLS INSTRUCTION**
[NOTE: No comparable provision, though ECIA chapter 1 and chapter 2 funds may sometimes be used for similar purposes.]	[NOTE: Part C establishes two new secondary school programs, one for national demonstration grants and one for State grants, both of which are for improving basic skills and reducing the number of students who do not complete school.]	[NOTE: These provisions together establish three new secondary school programs that are similar to the programs established by Title I, part C of the House bill. Title VIII of H.R. 5/Senate creates two national demonstration grant programs, the School Dropout Demonstration Assistance Act of 1987 (SDDAA), and the Basic Skills Demonstration Assistance Act of 1987 (BSDAA). Title I, part B of H.R. 5/Senate creates a State grant program for improving the achievement of educationally disadvantaged children enrolled in secondary schools and reducing the number of students who drop out.]

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	NATIONAL DEMONSTRATION GRANTS	**NATIONAL DEMONSTRATION GRANTS**
	Appropriations Authorized	
	Appropriations of $100 million are authorized for FY 1988 and "such sums as may be necessary" for fiscal years 1989 and 1990.	SDDAA: Appropriations of $50 million are authorized for fiscal years 1988 and 1989. BSDAA: Appropriations of $200 million are authorized for each of fiscal years 1988 and 1989.
	Allotment	
	Of the sums appropriated, 3 percent are reserved for programs for migrant students.	No comparable provisions.
	The remainder generally is to be divided equally between basic skills and dropout activities.	[Separate authorizations for SDDAA and BSDAA.]

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Grants for dropout programs are allotted to local educational agencies grouped by size of enrollment.	SDDAA: Same approach, though enrollment size categories and percentage allotments are different. Some funds are allotted to community based organizations. In addition, 25 percent of funds in each local educational agency category is allotted to educational partnerships.
	No comparable provision for dropout programs.	SDDAA grants within each enrollment size category are to be equitably distributed throughout the country. Not less than 30 percent shall be used for prevention activities and not less than 30 percent for reentry activities.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Within each enrollment size category, priority is to be given to dropout program applicants having either very high numbers or very high percentages of dropouts.	Priority shall be given SDDAA applications showing replication or expansion of successful programs and applications reflecting very high numbers or percentages of dropouts. Special consideration is to be given applications emphasizing early intervention programs and containing provisions for parent involvement.
	Grants for basic skills programs are to be awarded equitably on the basis of geographic area, urban and rural areas, size of school districts and schools, and characteristics of students involved in the programs.	BSDAA: Special consideration is to be given programs that have greatest need (based on numbers of low-income and low-achieving children), are representative of urban and rural regions, and that offer approaches that are innovative or show promise of replication and dissemination.
	Matching	
	Grants for dropout programs are to be matched in increasing proportions from the first year.	SDDAA: Grants cannot exceed certain proportions of total program costs each year.
	No comparable requirement for basic skills programs.	No comparable requirement for BSDAA.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	State grants:	
	Appropriations authorized	
Appropriations of "such sums as may be necessary" are authorized for fiscal years 1991, 1992, and 1993.		Title I, part B authorizes the following appropriations: --FY 1990: $400 million --FY 1991: $450 million --FY 1992: $500 million --FY 1993: $550 million
	Allocations	
	Of the sums appropriated, 3 percent is reserved for programs for migrant students.	Same as the House bill.
	The remainder is to be allocated among the States in the same proportion as chapter 1 basic grants (the formula for which includes a State minimum of 0.25 percent, with a cap on increases in any 1 year).	Same as the House bill, except that no State shall receive less than one-half of one percent of the total amount being allocated among the States (this minimum is not part of the basic grant formula).
	Each State may reserve no more than 5 percent of its allocation for administrative costs.	Same as the House bill.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	The remainder of a State's allocation is to be allocated to local educational agencies that have the greatest need for services (as measured by numbers or proportions of low-income or low-achieving secondary school students or dropouts), that are representative of urban and rural regions, and that have the greatest financial need to initiate or expand programs.	The remainder of a State's allocation is to be allocated to local educational agencies eligible for chapter 1 basic grants that have the greatest need for services (based on the numbers of low-income or low-achieving children), that are representative of urban and rural regions, that offer innovative approaches to achievement or reducing the number of dropouts, and that show promise for replication and dissemination.
	Applications	
	All applications submitted by local educational agencies must meet numerous requirements, including information and assurances about such matters as program goals, program activities and services, personnel qualifications, serving schools and students with greatest needs (including special populations), parent participation, coordination with other programs, provisions for private school students, arrangements with local businesses to secure employment for graduates, evaluation, etc.	With several exceptions, all applications for Title I, part B funds and BSDAA funds must meet similar requirements. Applications for SDDAA funds must generally meet requirements that are similar to the additional requirements of the House bill for dropout programs (see below).

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Applications for dropout programs must meet additional requirements, including information and assurances about such matters as consultation with community based organizations, estimates of numbers and rates of dropouts, plans for a dropout information system, plans for a comprehensive project that among other things meets special needs, has coordination among schools, has an advisory council, etc.	Applications for SDDAA funds must meet requirements that are similar. Numbers and rates of dropouts for the past five years must be documented. Project specifications are more numerous.
	Applications for basic skills programs must provide information on the number of educationally deprived secondary school students not being served by chapter 1 or similar programs and the number to be served by the program for which funding is sought.	No comparable provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Uses of funds	
	Funds for dropout programs may generally be used to identify potential dropouts and prevent them from dropping out, to identify dropouts and encourage them to return, to identify at-risk elementary and secondary students and provide early intervention, and to establish model information systems.	SDDAA funds may be used in these same general ways (see below as well). Title I, part B funds spent or dropout programs may also be used in these same general ways. In addition, they may be used for coordination activities with vocational education, adult basic education, and Job Training Partnership Act programs, and for consortia of community-based organizations and other public and private agencies. Not more than 50 percent of title I, part B funds may be used for dropout activities (the rest may be used for basic skills activities).

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Funds for dropout programs may also be used for a wide variety of activities, including such things as systemwide procedures and plans, social work services, ombudsmen, extended day and summer programs, work-study and other employment-based programs, community-based resources, revision of placement programs, curriculum reviews, training, coordination with drug and youth gang prevention programs, analysis of dropouts among the gifted and talented, testing services, etc.	SDDAA funds may be used for similar activities. In addition, they can be used for analysis of dropouts among students who are handicapped, use drugs, or are gang members, and for using telecommunications technologies. Educational partnership activities are listed separately. Not less than 30 percent of SDDAA funds may be used for prevention activities nor less than 30 percent for reentry activities.
	Funds for basic skills programs may generally be used to improve the basic skills of secondary school students eligible to participate in chapter 1 basic grant programs. They also may be used for meeting special educational needs and helping students attain grade level proficiency, remedial programs, innovative approaches to surmounting scheduling and other barriers, training, counseling and support services, peer tutors, etc.	Title I, part B and BSDAA funds for basic skills programs may be used for similar activities, though title I, part B does not have explicit requirement that students be eligible to participate in chapter 1 basic grant programs. In addition, there are provisions for programs involving community-based organizations and for students outside of school.
	Not more than 25 percent of grant funds used for basic skills programs may be used for non-instructional services.	Same as the House bill, though title I, part B also has such limit for grant funds used for dropout programs.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Not more than 10 percent of grant funds for either dropout or basic skills programs may be used for administrative costs.	Same for SDDAA and BSDAA. No comparable requirement for title I, part B.
	Both dropout and basic skills programs must comply with general fiscal requirements for chapter 1 basic grant programs.	Similar for title I, part B. No comparable provision for SDDAA or BSDAA.
	Evaluation	
	National demonstration grant programs are to be evaluated by the Secretary.	Local educational agencies may use SDDAA funds for evaluation. No comparable provision for BSDAA.
	Local educational agencies annually must evaluate programs assisted by State grant funds.	Title I, part B has more detailed requirements. Results must be submitted to State educational agencies at least every 2 years. State educational agencies must also conduct and make public evaluations of local programs.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	No comparable provision.	Under title I, part B, schools showing a decline in achievement of children served in any 2 consecutive years, or showing no decline in their dropout rate, must submit detailed improvement plans to the local educational agency, which shall review them and provide technical assistance. State educational agencies shall provide technical assistance if achievement declines for an additional 2 years.
		Other provisions
	No comparable provision.	SDDAA mandates a national school dropout study to be conducted by the Secretary of Education.
	No comparable provision.	Title VIII requires the Secretary of Education to establish by regulation a standard definition of a school dropout.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	PART E--PAYMENTS	PART D--PAYMENTS
State administration grants		
State education agencies (SEAs) are authorized to receive administrative grants of 1 percent of total chapter 1 grants to the State, or a minimum of $225,000 ($50,000 for the Outlying Areas).	The authorized State administration grant level is 1 percent of State grants under parts A and D of chapter 1, or $300,000 ($50,000 for the Outlying Areas). No more than 15 percent of these grants may be used to pay for indirect costs.	The authorized State administration grant level is 1 percent of State grants under parts A and C of chapter 1, or $325,000 ($50,000 for the Outlying Areas). No more than 15 percent of these grants may be used to pay for indirect costs. In addition, in any fiscal year when total chapter 1 appropriations equal or exceed $4.8 billion, additional "State education improvement administrative grants" are authorized to be paid. For the first 2 years during which such payments are made, the authorized level is 0.5 percent of grants under parts A and C of chapter 1, or $160,000 ($25,000 for Outlying Areas). For any subsequent years, the authorized level is 1 percent of grants under parts A and C of chapter 1, or $325,000 ($50,000 for Outlying Areas).

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	PART F--GENERAL PROVISIONS	**PART E--GENERAL PROVISIONS**
State administration		
State educational agencies (SEAs) are to: approve LEA applications; evaluate chapter 1 programs in LEAs of the State; provide guidance and technical assistance to LEAs; and monitor LEA administration and operation of chapter 1 programs.	Same as current law, with the following exceptions. Requirements are added for coordination of Federal, State, and local administration of chapter 1, and for monitoring of State-initiated regulations and policies for chapter 1 programs. Provision is made for prorating costs for staff who work on both chapter 1 and similar State programs. Finally, States are prohibited from taking chapter 1 grants into account as a local resource in State school finance programs.	Essentially the same as the House bill.
	Federal regulations	
No comparable provision.	It is required that proposed Department of Education regulations be reviewed by regional panels of Federal, State, and local administrators of chapter 1 programs.	All proposed Federal regulations for chapter 1 must be developed through a negotiated rulemaking process, as defined in the "Procedures for Negotiating Proposed Regulations" (47 Federal Register 30708).

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Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Carryover funds		
Under sec. 412 of the General Education Provisions Act, LEAs may carry over chapter 1 grants for use during the fiscal year following that for which they were obligated. There is no limit on the percentage of funds that may be carried over.	The percentage share of each fiscal year's chapter 1 grant to an LEA that may be carried over to the following fiscal year is limited to 25 percent for FY 1988, and 15 percent for FY 1989 and beyond. This limit does not apply to LEAs that receive chapter 1 grants of less than $50,000 per year.	Same as the House bill, except that the limits are 25 percent for FY 1989, and 15 percent for FY 1990 and beyond.
	Policy manual	
No provision.	The Secretary of Education is to prepare a chapter 1 policy manual. This manual is to be made available to SEAs, LEAs, parents, and other interested individuals and organizations.	Same as the House bill.
	Evaluation standards	
No provision.	The Secretary of Education is to develop national standards for local evaluation of chapter 1 programs, to allow national aggregation of evaluation results. Such national evaluation results are to be reported to the appropriate committees of the Congress every 2 years.	Same as the House bill.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Longitudinal study of participating children	
No provision.	The Secretary of Education is to contract with the organization conducting the National Assessment of Educational Progress (NAEP) to carry out a national longitudinal study of children eligible for and participating in chapter 1 programs. This study is to assess the effects of chapter 1 participation on individuals through the age of 25 years.	Same as the House bill, except that it is not required that the organization conducting the NAEP carry out this study.
	Studies of tutorial and rural programs	
No provision.	If funds are available for research activities by the Secretary of Education, the Secretary is to conduct studies of the effectiveness of tutoring chapter 1 participants by postsecondary students, and of effective chapter 1 programs in rural areas.	No provision (although a separate Rural Education Opportunities program is authorized under title II, part I--see below).

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Allocation formula study	
No provision.	The Secretary of Education is required to conduct a study of the formulas used to allocate funds under chapter 1 and other Federal programs of aid to elementary and secondary education. This study is to consider whether States should be rewarded in these allocation formulas for making greater than average "tax and fiscal efforts" in support of elementary and secondary education, and to consider various means of defining such "tax and fiscal efforts". The study is also to consider the "reliability and currency" of data on children in poor families that are used in allocating chapter 1 LEA grants.	Same as the House bill.
Authorization of appropriations		
The appropriations authorization levels for chapter 1 programs are not specified, but are based on the maximum payment levels according to the allocation formulas for basic, concentration, State agency, and State administration grants, as discussed above.	Same as current law, except for the reservation or specific authorization of certain appropriations for concentration, Even Start, and dropout prevention/secondary school basic skills grants (see above).	Same as the House bill, except that the Even Start program is not part of chapter 1.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate

STATE EDUCATION BLOCK GRANT

CHAPTER 2, EDUCATION CONSOLIDATION AND IMPROVEMENT ACT

Purpose

The purpose is to consolidate more than 40 previous Federal programs for elementary and secondary education into a single authorization of grants to the States, with the grants to be used according to the educational needs and priorities as determined by State and local educational agencies. Further purposes are to improve education and to reduce the administrative and paperwork burden. The administration of funds is the responsibility of State educational agencies, but program design and implementation is basically the responsibility of local educational agencies.

TITLE I, CHAPTER 2--FEDERAL, STATE, AND LOCAL PARTNERSHIP FOR EDUCATIONAL INNOVATION

The purpose is rewritten to: emphasize promising educational programs; support innovation, improvement, and library and instructional materials; place responsibility for administration with State educational agencies; place responsibility for design and implementation with local educational agencies; and support effective schools programs.

TITLE I, CHAPTER 2--PROGRAMS FOR ELEMENTARY AND SECONDARY EDUCATION IMPROVEMENT

The purpose is rewritten to provide a single grant to States to meet State and local needs and priorities related to specified critical needs in education. State educational agencies are to have the responsibility for the administration of funds, but program design and implementation will mainly be the responsibility of local educational agencies.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Authorization of appropriations		
There are authorized to be appropriated "such sums as may be necessary" for FY 1987. The Secretary may reserve up to 6 percent of the total appropriation for national programs and activities.	There are authorized to be appropriated $580 million for FY 1988 and "such sums as may be necessary" for each of fiscal years 1989 through 1993. The Secretary may reserve up to 6 percent of the total appropriation for national programs and activities.	There are authorized to be appropriated $580 million for FY 1989, $610 million for FY 1990, $640 million for FY 1991, $672 million for FY 1992, and $706 million for FY 1993. The Secretary may reserve up to 6 percent of the total appropriation for national programs and priorities.
	PART A--STATE AND LOCAL PROGRAMS	**PART A--STATE AND LOCAL PROGRAMS**
Allotments to States		
The Secretary reserves 1 percent of the funds for the Outlying Areas. Funds available for the States (the 50 States, the District of Columbia, and Puerto Rico) are allotted in proportion to the number of persons aged 5 through 17, except that no State shall receive less than 0.5 percent of the total allotment for States.	The allotment provisions are extended, except that not more than 1 percent would be reserved for the Outlying Areas (instead of exactly 1 percent).	Same as the House bill.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Allocations to local educational agencies		
At least 80 percent of each State grant must be allocated to local educational agencies in proportion to public and private elementary and secondary school enrollment, adjusted to provide higher per pupil allocations for agencies with the greatest numbers or percentages of children whose education imposes a higher than average cost per pupil.	Allocation provisions are similar, except that: (1) private school children are counted only if they desire to participate in Chapter 2 programs; and (2) the adjustment to enrollment is limited only to (a) children from low-income families and (b) children living in sparsely populated areas. The use of additional funds provided to a local educational agency that resulted from the adjustment to enrollment is restricted; these funds are to be used by the agency to provide services for children enrolled in each public or private school in proportion to the number of students counted for the adjustment.	Allocation provisions are similar to current law, except that private school children are counted only if they desire to participate in chapter 2 programs.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
State applications		
State applications must provide for a process of consultation with specified State officials, educators, and representatives of the public with regard to the use of funds reserved for the State educational agency, the formula for the allocation of funds to local educational agencies, and the implementation and evaluation of programs. Annual evaluations of program effectiveness are required. There must be an assurance that the State has not influenced the local determination of chapter 2 expenditures. Applications must be for a period not to exceed 3 years.	State application provisions are similar, except that: (1) librarians, school counselors, and other pupil services personnel are added to the list of persons to be consulted; and (2) application details are specified concerning the adjustments to enrollment as the basis for the allocation of funds to local educational agencies.	State application provisions are similar, except that librarians, school counselors, and other pupil services personnel are added to the list of persons to be consulted.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
State use of funds		**PART B--TARGETED ASSISTANCE FOR EDUCATIONAL IMPROVEMENT**
Funds reserved for the use of the State educational agency may be used for any of the activities authorized by the more than 40 programs antecedent to chapter 2, including administrative costs for carrying out related State responsibilities.	Funds reserved for the use of the State educational agencies are restricted to: (1) administrative activities, including evaluations and operation of the State advisory council; (2) technical assistance and direct grants to local educational agencies; and (3) effective schools programs. States may not use more than 25 percent of their funds for administrative activities, and must use at least 25 percent for effective schools programs.	State (and local) use of funds is limited to: (1) special educational needs of students at risk and high cost students; (2) disadvantaged secondary school students and for reducing illiteracy among students and adults; (3) gifted and talented students; (4) dropout prevention and for reentry of dropouts; (5) parental involvement in the education of economically disadvantaged children and for increasing the literacy of such parents; (6) early childhood education; (7) secondary school curricula enrichment; (8) school library books, textbooks, and related materials and equipment; (9) implementation of school-wide reforms, innovations, and improvements and professional development of school personnel; (10) personal excellence achievement of students; and (11) implementation of State reforms. Funds may be used for guidance and counseling, and activities related to expanding educational opportunities.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Local applications		
In order to receive funds, local educational agencies must apply to the State educational agency. The application must: (1) describe the planned use of funds among the various programs authorized by chapter 2, including the allocation of funds for the participation of children enrolled in private schools; (2) assure compliance in the participation of children enrolled in private, nonprofit schools, and the planned allocation of funds to support programs for such children; and (3) provide for systematic consultation with parents, teachers, and school officials with regard to the allocation of funds and the implementation of programs. The local educational agency must ensure that chapter 2 expenditures are intended to meet the educational needs of its schools. Applications must be for a period not to exceed 3 years.	Provisions are similar, except that the allocation of funds among programs and projects must be specified.	Essentially the same as the House bill, except the allocation of funds among activities must be specified as well.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Local use of funds		
Funds available for use by local educational agencies may be used for any of the activities authorized by the more than 40 programs antecedent to chapter 2.	Local educational agencies must use chapter 2 funds to carry out innovative programs and projects, or promote educational excellence, through programs for: (1) at-risk or high cost children; (2) effective schools activities; (3) instructional and educational materials improvement; (4) personnel enhancement; (5) special projects, including programs for gifted and talented students, youth suicide prevention, technology education, community education, and career education.	The same provisions apply to the local use of funds that apply to the State use of funds (see above).

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Effective schools programs	
No provision.	Special emphasis is placed on effective schools programs; local educational agencies are authorized to carry out such programs, and each State educational agency must spend at least 25 percent of its funds to provide assistance to local educational agencies for such programs. These programs are defined by the following characteristics: (1) strong and effective administrative and instructional leadership; (2) emphasis on acquisition of basic and higher order skills; (3) safe and orderly school environment; (4) expectation that virtually all students can learn under appropriate conditions; and (5) continuous assessment of students and programs to evaluate the effects of instruction.	Title II, part B, authorizes a similar program (the major difference is that under the Senate bill, the program is separately funded, rather than being made a part of the chapter 2 program).

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Maintenance of effort; Federal funds supplementary		
In order to receive in any fiscal year its full chapter 2 allocation, each State must spend for free public education an amount equal to at least 90 percent of the amount it spent in the preceding year. The Secretary shall reduce a State's allocation by the percentage by which it fails to maintain such expenditures; the Secretary may waive this requirement, for 1 year only, under exceptional circumstances. Chapter 2 funds may be used by State and local educational agencies only to supplement or increase the funds available from non-Federal sources, and may not be used to supplant State and local funds.	Essentially the same as current law.	Essentially the same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Participation of children enrolled in private schools		
State and local educational agencies must assure equitable participation of children enrolled in private nonpublic elementary and secondary schools, including equal expenditures, and take into account the needs of the individual children; the provision of services must be consistent with the number of private school children. Services include materials, equipment, and programs for participation of teachers and other personnel serving such children. The Secretary must arrange for such services if a State or local educational agency has been found to have failed or to be unwilling to provide services. Funding for services to private school children must be paid from the appropriate grants to State and local educational agencies.	Essentially the same as current law.	Essentially the same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Evaluations and reports		
Each local educational agency, as part of its application for funds, must agree to keep such records and provide such information as reasonably may be required by the State for program evaluation. Each State educational agency must provide for an annual evaluation of program effectiveness, with the results made available to the public; each State must also keep records and provide information to the Secretary as may be required for program evaluation (consistent with the Secretary's "responsibilities" under chapter 2). Chapter 2 gives no specific responsibilities to the Secretary with regard to reports or the evaluation of State or local programs.	Each local educational agency must report annually to the State with regard to its use of chapter 2 funds. Each State educational agency must evaluate annually the effectiveness of State and local chapter 2 programs, and submit a copy of the evaluations and a summary of the local reports to the Secretary. The Secretary must develop a model system for States to use for data collection and reporting, and submit an annual report to the Congress that summarizes State evaluations of chapter 2 programs and provides a national overview of the uses of chapter 2 funds and the effectiveness of chapter 2 programs.	Essentially the same as the House bill.
Technical assistance		
With funds available for national programs, the Secretary is authorized to provide technical assistance to State and local educational agencies.	Upon request, the Secretary must provide technical assistance to State and local educational agencies. (No specific funds are provided for this activity.)	Essentially the same as the House bill.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	PART B--NATIONAL PROGRAMS AND ACTIVITIES	**PART C--NATIONAL PROGRAMS AND ACTIVITIES**
Programs and activities		
The Secretary is authorized to make discretionary grants from available funds. However, funding is first reserved for five specific programs: the Inexpensive Book Distribution Program, the Arts in Education Program, alcohol and drug abuse education programs, the law-related education program, and the National Diffusion Network. Remaining funds must be used for studies, research, demonstrations, teacher training, implementation assistance, and other activities consistent with chapter 2 purposes.	Similar national programs and activities are authorized, with the exception of alcohol and drug abuse education programs (which will no longer be authorized). Except for the National Diffusion Network, greater detail is given for the use of funds. The Secretary is to conduct a national study of effective schools programs. After meeting the funding priorities (specified below) the Secretary is to use remaining available funds to carry out programs and projects which further the purposes of chapter 2 programs implemented by local educational agencies, with priority given to technology education projects.	Similar national programs and activities are authorized, with two exceptions: (1) alcohol and drug abuse education programs are no longer authorized, and (2) a Blue Ribbon Schools program is authorized to recognize excellence or quality in schools or programs. Except for the National Diffusion Network, greater detail is given for the use of funds. After meeting the funding priorities (specified below), the Secretary may use remaining funds to conduct programs and projects that contribute to the objectives specified for State and local programs authorized under chapter 2, with priority given to technology education projects.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Funding for national programs and activities		
Minimum funding levels are specified for five national programs, as follows: the Inexpensive Book Distribution Program--the FY 1981 amount; the Arts in Education Program--the FY 1981 amount; alcohol and drug abuse education programs--the FY 1981 amount; the law-related education program--$1 million; and the National Diffusion Network--34 percent of the total available for national programs and activities.	Minimum funding levels are changed. First, 34 percent of the funds available to the Secretary are reserved for the National Diffusion Network. The Inexpensive Book Distribution Program is funded next, at least at an amount necessary to sustain its level of operations during FY 1987. Subject to availability of funds, the Arts in Education Program and the law-related education program are funded at the FY 1987 level of operations.	Minimum amounts are changed. Subject to the availability of funds, $11.2 million is to be spent for the National Diffusion Network Activities; $8.2 million for the Inexpensive Book Distribution program; $3.5 million for the Arts in Education program; $3.2 million for the Law-Related Education program; and $1.5 million for the Blue Ribbon Schools program.
	PART C--GENERAL PROVISIONS	**PART D -- GENERAL PROVISIONS**
	Transition provisions	
No provision.	Regulatory provisions of chapters 2 and 3 of the ECIA that are in effect on or before the effective date of this Act are continued until revoked by the Secretary, a court of competent jurisdiction, or operation of a law other than this Act. From October 1, 1987, through June 30, 1988, funds could be spent in accordance with either chapter 2 of	Provisions are similar to the House bill, except the specified transition dates are for the period October 1, 1988, through June 30, 1989.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	the Education Consolidation and Improvement Act of 1981, or chapter 2 of this Act.	
	Repeal of Chapters 2 and 3	
No provision.	Chapters 2 and 3 of the Education Consolidation and Improvement Act of 1981 (ECIA) are repealed. (Chapter 3 of ECIA contains general provisions relating to chapters 1 and 2 of ECIA.)	Essentially the same as the House bill.
	Study of school reform	
No provision.	The Secretary must conduct a study of school reform activities, to evaluate their impact on student achievement, school dropouts, State funding of reform activities, enrollment in types of curricula, and achievement of special populations. The final report is to be submitted to the House Committee on Education and Labor and the Senate Committee on Labor and Human Resources no later than July 1, 1989. There are authorized to be appropriated $1 million to conduct this study.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Office of comprehensive school health education	
No provision.	The Secretary is authorized to establish, within the Office of the Secretary, an Office of Comprehensive School Health Education. The Office is to: recommend mechanisms for the coordination of Federal school health education programs, advise the Secretary on school health education policy for the Department, and disseminate information on health education curriculum.	No comparable provision, but support for comprehensive school health education programs is authorized under the Secretary's Fund for Innovation in Education (title II, part J--see below).

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
BILINGUAL EDUCATION PROGRAMS		
TITLE VII--ELEMENTARY AND SECONDARY EDUCATION ACT--BILINGUAL EDUCATION ACT	**TITLE VII--BILINGUAL EDUCATION PROGRAMS**	**TITLE VII--BILINGUAL EDUCATION PROGRAMS**
Statement of purpose; program description		
The purpose of the Bilingual Education Act is to help limited English-proficient (LEP) students to acquire the English language proficiency necessary to enter all-English regular classes, while at the same time meeting grade promotion and graduation standards. The Act currently authorizes three types of activities. Under "Bilingual Programs" (part A), Federal financial assistance is provided through discretionary grants primarily to local school districts for the support of educational services to LEP students. Under "Support Services" (part B), awards are made to a variety of recipients for data collection and technical assistance, research, and dissemination of information on educational services for LEP students. Under "Training Grants" (part C), awards are made to SEAs and institutions of higher education for inservice and preservice training of educational personnel and parents of LEP students.	The Act is extended through fiscal year 1993, and its basic structure is retained, with the exception of the specific changes described below.	The Act is extended through fiscal year 1993, and its basic structure is retained, with the exception of the specific changes described below.

Curren' law	H.R. 5, as passed by House	H.R. 5, as passed by Senate

Allocation of funds

At least 60 percent of the total appropriation for the Act is reserved for programs under part A, bilingual education programs. At least 75 percent of the funds appropriated for part A must be used to support programs of transitional bilingual education (TBE), while 50 percent of the total appropriation above $140 million, but not more than 10 percent of the total appropriation for the Act, is reserved for the support of alternative instructional approaches to TBE. In any fiscal year in which the total appropriation for the Act does not exceed $140 million, the Secretary must reserve 4 percent of the total funds appropriated for alternative instructional programs. At least 25 percent of the total appropriation for the Act must be used to support training activities under part C. The Secretary may use up to 1 percent of the total appropriation for support of the National Advisory and Coordinating Council on Bilingual Education.

All programs currently funded under the Act are to receive at least the same level of funding as they received in fiscal year (FY) 1987, plus increases to compensate for inflation. At least 70 percent, but no more than 75 percent, of any new funds appropriated for the Act above the FY 1987 level are reserved for the support of alternative instructional approaches to TBE. Of the remaining funds above the FY 1987 level, 25 percent are reserved for the support of TBE and programs of developmental bilingual education. From this 25 percent of new funds, $1 million are reserved for FY 1988 for the support of developmental bilingual education programs. This $1 million fiscal year 1988 funding level for developmental bilingual education is to be increased by $150,000 each subsequent fiscal year through 1993. From the total funds appropriated for the Act for any fiscal year, the Secretary is required to reserve at least 20 percent--or the same level of funding available in FY 1987, whichever is greater--for support services and training activities under part C.

From the yearly appropriated sums, at least 60 percent shall be used for part A bilingual education programs. Of that amount, at least 75 percent shall be reserved for transitional bilingual education programs, with no more than 25 percent of the yearly appropriations to be used for special alternative instructional programs. At least 25 percent of the appropriations is to be used for part C training activities.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Family English literacy programs		
Family English literacy programs (funded under part A) are designed to help LEP adults and out-of-school youth achieve competence in the English language.	Family English literacy programs may include instruction designed to enable individuals participating in the legalization program under the Immigration Control and Reform Act to achieve a basic understanding of English and U.S. history and government.	Family English literacy programs (funded under part A) are designed to help LEP adults and out-of-school youth achieve competence in the English language. Preference for participation in such programs shall be accorded to parents and immediate family members of children enrolled in programs assisted under this title.
Parental notification		
The parents of students participating in programs supported under the Act must be informed of the instructional goals of the program and the progress of their children in the program.	Existing requirements are modified by specifying that information provided to parents must be in a language and form the parents understand.	Existing requirements are modified by specifying that information on the bilingual education program, selection of participants, and alternative educational programs be provided to parents, to the extent practicable, in a language and form the parents understand, and with the opportunity for parents to express approval or disapproval of their children's enrollment in such programs.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Programs to develop instructional materials		
This program (funded under part A) provides support for the development of instructional materials not available commercially.	Separate grants for the development of instructional materials are eliminated.	Essentially the same as current law.
	Technology-based instruction	
No provision.	Programs supported under part A are authorized to use funds to provide technology-based instruction to students.	No provision.
Programs of academic excellence		
Grants awarded under this program (funded under part A) are made to local school districts or institutions of higher education applying jointly with local school districts.	Grants under this program (funded under part A) may be awarded to local school districts, institutions of higher education, and private nonprofit organizations, applying separately or jointly.	Grants under this program (funded under part A) may be awarded to local educational agencies, and institutions of higher education applying jointly with one or more local educational agency.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Preservice activities		
During the first 6 months of a grant awarded under part A for the support of transitional bilingual education, developmental bilingual education, and alternative instructional programs, an applicant must engage exclusively in preservice activities, unless this requirement is waived by the Secretary.	Grantees are permitted to engage exclusively in preservice activities during the first 12 months of a grant. The provision that allows the Secretary to waive this requirement would be eliminated.	Same as current law.
	Parental advisory councils	
No provision.	A new requirement is added that local school districts provide support to parental advisory councils.	Applications shall be developed in consultation with an advisory council, of which a majority shall be parents. After application approval, continuing consultation with the advisory council shall be maintained.
Training under part A grants		
Grantees must provide or secure training for personnel participating in programs supported under part A.	Grantees are required to ensure that training provided under part A grants assist educational personnel to meet State and local certification requirements.	Grantees are required to provide or secure training for personnel, and to the extent possible, award college or university credit for such training.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
State program grants		
The Secretary is required to pay each State education agency that has an approved State program at least $50,000, but no more than 5 percent of the total funds awarded under this Act for local programs within the State, each fiscal year.	The minimum State education agency grant is increased from $50,000 to $75,000.	Same as current law, except that the maximum amount shall not be greater than 5 percent of the total grants awarded under this Act to local educational agencies, private schools, institutions of higher education, or nonprofit organizations within the State in the preceding fiscal year.
	Research	
No comparable provision.	Provisions are added: (1) requiring a longitudinal study of the impact of bilingual education programs on LEP students, using a nationally representative sample of the programs funded under the Act, and providing information on grade retention, academic performance, and dropout rates; and (2) requiring that the clearinghouse on bilingual education coordinate its activities with the National Diffusion Network.	Provisions are added requiring a longitudinal study to measure the effect of this title on the education of LEP students. The clearinghouse on bilingual education is not required to coordinate its activities with the National Diffusion Network.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Coordination of research		
The Director of the (former) National Institute of Education is required to consult with the Director of the Office of Bilingual Education and Minority Languages Affairs and the National Advisory and Coordinating Council on Bilingual Education to ensure that research activities are complementary and not duplicative.	The Assistant Secretary for Educational Research and Improvement is required to consult with the Senate Committee on Labor and Human Resources and the House Committee on Education and Labor to ensure that research activities are complementary and not duplicative.	The Assistant Secretary for Educational Research and Improvement shall consult with the Director of the Office of Bilingual Education and Minority Languages Affairs to ensure research activities are complementary and not duplicative.
Education statistics		
The Center for Education Statistics is required to collect and publish data on LEP persons, the special educational services and programs available to them, and the availability of qualified educational personnel to provide such services and programs. These data are to be provided for the States, Puerto Rico, and the Outlying Areas, and are to be published as part of the Center's annual report on the condition of education. To the extent feasible, the Center is to use data already submitted to the ED under this Act.	Same as current law, except the Center is also required to use, to the extent feasible, data collected by other Federal agencies in addition to that collected by the Department of Education.	Same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Reports		
The Secretary is required to submit to Congress and the President a bi-annual report on the condition of bilingual education.	The Secretary is required to include information on major findings of title VII research activities carried out during the preceding 2 fiscal years in the biannual report to Congress and the President.	The Secretary shall prepare a report on the condition of bilingual education in the Nation and on the administration and operation of this title. The report shall include a demonstration of the coordination and cooperation with other programs administered by the Department of Education. The report shall be submitted to Congress and the President no later than Feb. 1, 1992.
No provision.	The Director of the Office of Bilingual Education and Minority Languages Affairs is required to report annually to Congress and the President concerning the grants and contracts awarded under this title in the preceding fiscal year, and the number of individuals receiving services under this Act.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
National Advisory and Coordinating Council on Bilingual Education		
The Council is composed of 20 members (appointed by the Secretary) who have experience in dealing with the educational problems of LEP individuals.	The Council is eliminated. The Secretary is required to consult instead with State directors of bilingual education. The Secretary is also required to consult with evaluation assistance centers, individuals, and organizations with expertise in testing and evaluation in developing program evaluation requirements under the Act.	There are no provisions for the Council. When organizing research, the Secretary is required to consult with the Director of the Office of Bilingual Education and Minority Languages Affairs, representatives of State and local educational agencies, and groups and organizations involved in bilingual education.
	Reviewing and scoring grant applications	
No provision.	The Secretary is required to use as grant application reviewers persons who are not employed by the Federal Government and who are experienced and involved in educational programs similar to those they are evaluating. The Secretary is required to solicit nominations for grant application reviewers from State directors of bilingual education.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Authorization of appropriations		
The authorization of appropriations for the Bilingual Education Act is "such sums as may be necessary" for each of fiscal years 1987 and 1988.	There are authorized to be appropriated $246 million for FY 1988, and "such sums as may be necessary" for each of fiscal years 1989 through 1993.	There are authorized to be appropriated $168.0 million for FY 1989, $176.5 million for FY 1990, $185.3 million for FY 1991, $194.5 million for FY 1992, and $200.4 million for FY 1993. In addition, "such sums as may be necessary" are authorized to be appropriated for each of fiscal years 1989 through 1993 for State education agency programs. Notwithstanding these provisions, the maximum amount authorized to be appropriated to carry out the provisions of this title is $176.0 million for FY 1989.
		Program enrollment
No provision.	No provision.	A student may remain in a program funded under this title no more than 5 years, and only if sufficient need is demonstrated.
		Student assignment limitation
No provision.	No provision.	No student shall be assigned to any Federally assisted education program merely on the basis of their surname.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
SCIENCE, MATHEMATICS, AND FOREIGN LANGUAGE EDUCATION		
EDUCATION FOR ECONOMIC SECURITY ACT, TITLE II--EDUCATION FOR ECONOMIC SECURITY	**TITLE II--CRITICAL SKILLS IMPROVEMENT**	**TITLE VI--EDUCATION FOR ECONOMIC SECURITY**
		PART A--REAUTHORIZATION OF ECONOMIC SECURITY ACT
This title authorizes a program of assistance to improve instruction in math, science, computer learning, and foreign languages.	The House bill repeals the current program, replacing it with a similar program, the Critical Skills Act. The program is to improve instruction in math and science.	The Senate bill amends and extends the current program, deleting its focus on foreign language instruction; but authorizes a separate foreign language education program under title VI, part B (see below).
Authorization of appropriations		
Current law authorizes $350 million for FY 1988.	The House bill authorizes an annual appropriation of $400 million for FY 1988 and "such sums as may be necessary" through FY 1993.	The Senate bill authorizes $280 million for FY 1989, $295 million for FY 1990, $315 million for FY 1991, $335 million for FY 1992, and $355 million for FY 1993.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Interstate allocation of funds		
Ninety percent of the annual appropriation is allocated among the States on the basis of population aged 5 to 17 (with a minimum State share of .5 percent). Nine percent of the annual appropriation is for the Secretary of Education's discretionary grants (described below), and 1 percent is for the Outlying Areas and Indian students.	At least 94 percent of the annual appropriation is allocated among the States, half on the basis of population aged 5 to 17, and half on State shares of chapter 1 basic grant allocations. In addition to the .5 percent minimum already in current law, no State is to receive less than its FY 1987 allocation under the current math and science program. Five percent of the annual appropriation is for the Secretary's discretionary program, and not more than 1 percent is for the Outlying Areas and Indian students.	Ninety-five percent of the annual appropriation is allocated among the States on the same basis as current law and with the same State minimum. Four percent of the annual appropriation is for the Secretary's discretionary grants, and 1 percent is for the Outlying Areas and Indian students.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Elementary and secondary education programs		
Seventy percent of State funds is allocated for elementary and secondary programs. At least 70 percent of these funds are distributed by the SEA to LEAs, half based on public and private elementary and secondary enrollment, and half on numbers of school-age low-income children. Funds are to be used to improve teacher training in math and science, and, if such needs are met, teacher training in computer learning and foreign languages (maximum of 30 percent of funds for former; 15 percent for latter). Access needs of underrepresented groups must be taken into account. Of funds reserved by SEA (30 percent of elementary and secondary State funds), at least two-thirds is for demonstration programs, instructional equipment, projects for underrepresented and gifted and talented groups, and information dissemination. At least a sixth of SEA funds is for technical assistance; not more than a sixth is for assessment, administration, and evaluation.	At least 80 percent of the State allocation is distributed to LEAs for elementary and secondary programs, on same basis as current law. Funds are for, among other things, teacher training; recruitment or retraining of minority teachers; hiring bonuses in critical math and science areas; telecommunications technology; math and science curriculum; magnet schools; and leadership workshops. SEAs reserve up to 20 percent of State allocation (State agencies for higher education (SAHEs) use half, see below). SEA funds are used for, among other things, teacher training; improving licensing and certifying of math and science teachers; efforts to attract minorities and women to math and science teaching; curriculum improvement; coordination of math and science instruction with increased graduation requirements; telecommunications technology; and technical assistance. Up to 5 percent of State funds is for administration (4 percent of the grant for the SEA and 1 percent for the SAHE).	Seventy-five percent of the State allocation is for elementary and secondary programs, with not less than 90 percent distributed among LEAs, half based on public and private enrollment, and half on school-age low-income children. Uses of funds are the same as current law, with exception of foreign language instruction. (Percentage of funds that can be used for computer learning is not specified.) Of SEA funds for elementary and secondary programs (up to 10 percent of elementary and secondary portion of State allocation), half is for demonstration programs, similar to those authorized under current law. Programs for gifted and talented may include magnet schools. Not more than half of SEA funds is for technical assistance, administration, and evaluation.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Higher education programs		
Thirty percent of the State allotment is used by the SAHE for higher education programs, with not less than 75 percent awarded to higher education institu ions for providing traineeships to persons who will teach secondary school math and science; retraining secondary school teachers to teach math, science, foreign languages, or computer learning; and inservice training for elem ntary, secondary, and vocational teachers. Each higher education institution must take into account needs of underrepresented groups. The SAHE uses not less than 20 percent of the higher education funds for cooperative programs among higher education institutions, LEAs, SEAs, and other agencies to improve student performance in math, science, computer learning, and critical foreign languages. The SAHE cannot use more than 5 percent of State higher education allocation for assessment (described below), administration, and evaluation.	Under the House bill, half of the amount reserved by each SEA is allocated to the SAHE. (House bill does not separately designate higher education programs; those activities carried out by SAHE are considered higher education programs for purposes of this comparison.) Uses of funds are identical to those authorized by the bill for the SEA (see Elementary and Secondary Education Programs above).	Twenty-five percent of State allocation is for higher education programs, with not less than 95 percent awarded to higher education institutions. Uses of funds are similar to those under current law, with the exception that activities focused on foreign language instruction are not authorized. No specific percentage is set for cooperative programs. Up to 5 percent of the higher education allocation is to be used for the State needs assessment, administration, and evaluation.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
State assessment of needs		
Each State seeking assistance must prepare a preliminary assessment of the status of math, science, foreign language, and computer learning within the State. The assessment must describe, and provide a 5-year projection for, various indicators, such as the availability of qualified math, science, foreign language, and computer learning teachers at the secondary and postsecondary level; State standards for teacher certification; availability of relevant curricula and instructional materials; and access by underrepresented groups and the gifted and talented.	House bill does not require a separate State assessment of needs. It does require State applications to contain projections of the supply and demand for teachers in math and science subject areas; assessment of current elementary and secondary curriculum needs in math and science; and provisions taking into account the needs of underrepresented groups and needs in areas with high concentrations of low-income students or sparse population. State applications are described further below.	No comparable provision.
State application		
Each State seeking funds submits an application which, among other provisions, designates the agencies responsible for the elementary and secondary programs, and the higher education programs; provides that evaluations of programs will be conducted to the extent feasible; and assures that Federal funds will supplement, not supplant, other funding.	In addition to those provisions described in State Assessment of Needs, the State application must, among other provisions, cover a 3-year period (current law is silent on this); assure that Federal funds will supplement, not supplant, other funding; and assure that the State will evaluate its standards for teacher preparation, licensing, and certification.	Senate bill is similar to current law with regard to State applications. Foreign language instruction is deleted as an authorized focus. In addition, States are to describe how the uses of these funds will be coordinated with those of State, local and other Federal funds, particularly those provided by the National Science Foundation and the Department of Energy.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Local assessment of needs		
Each participating LEA provides its SEA with an assessment of its needs for teacher training in math, science, foreign language, and computer learning; for improving instructional materials and equipment; and for improving access to instruction by underrepresented groups and the gifted and talented.	In language governing LEA applications (see below), the House bill provides that the LEA, among other requirements, is to assess the needs of current math and science teachers; project the number of such teachers that will be needed; assess student achievement in math and science; and assess curricular needs in these subjects.	Senate bill is similar to current law with regard to LEA assessment of needs (foreign language instruction is deleted as an authorized focus).
Local applications		
The State application is to describe procedures developed for submission of local applications for funds.	House bill requires, and delineates the contents of, applications from LEAs for funds. The application is to cover a 3-year period; contain the assessments described earlier (see Local Assessment of Needs above); describe the coordination of these funds with State, local and other Federal funds (particularly funds from the National Science Foundation); describe how community and private resources will be used for these programs; assure sensitivity to the needs of underrepresented groups; and assure that programs will be evaluated.	Essentially the same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Private school students and teachers		
Consistent with the number of private elementary and secondary school students, the participating agency or institution must assure equitable participation of private school students and teachers. The Secretary is to arrange for the provision of services in the event State law prohibits serving private school students and teachers, or in the event such agency or institution has failed to provide equitable services.	Similar to current law.	Similar to current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Secretary's discretionary fund		
Nine percent of the total appropriation is for discretionary grants by the Secretary of Education. Seventy-five percent of this amount is for cooperative agreements among SEAs, LEAs, higher education institutions, and other entities for programs of "national significance" to improve instruction in math, science, computer learning, and critical foreign languages. Special consideration is given to LEA grants for magnet schools for gifted and talented students, and to cooperative arrangements to serve underrepresented groups. Three million dollars is used by the (former) National Institute of Education (NIE) for annual evaluation of programs being assisted, analysis of ways of improving math and science instruction, and research on training and curriculum (half of these funds are for this research). Twenty-five percent of the Secretary's discretionary funds is for improving instruction in critical foreign languages.	Provides 5 percent of total appropriation to Secretary of Education for grants for national programs. Uses of funds differ somewhat from current law. Grants are for improving math, science, and foreign language instruction, but cooperative agreements are not specified as a focus for funding. The Secretary is to disseminate information on grants to SEAs, LEAs, and institutions of higher education. Continued from current law is the reservation of 25 percent of these funds for instruction in critical foreign languages.	Provides that 4 percent of the total appropriation is for Secretary of Education's discretionary grants. Uses of funds are similar to current law. Bill does not specify the percentage of funds to be used for cooperative agreements, deletes the requirement that half of the NIE funding is limited to research on training and curriculum, and does not specify a percentage of funds to be used for improving instruction in critical foreign languages. Special consideration is to be given to programs that train teachers in methods of scientific inquiry.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
EDUCATION FOR ECONOMIC SECURITY ACT, TITLE III--NATIONAL SCIENCE FOUNDATION PROGRAM FOR PARTNERSHIPS IN EDUCATION FOR MATHEMATICS, SCIENCE AND ENGINEERING	**SECTION 2146--REAUTHORIZATION OF PARTNERSHIP IN EDUCATION PROGRAMS**	**SECTION 6003--PARTNERSHIPS IN EDUCATION FOR MATHEMATICS, SCIENCE, AND ENGINEERING REAUTHORIZED**
This program is to improve the quality of instruction in the fields of math, science, and engineering and encourage partnerships in education between the business community, institutions of higher education, and elementary and secondary schools. The authorization is $50 million for FY 1988.	The authorization for the program is extended through FY 1993 with an FY 1988 authorized funding level of $10 million and "such sums as may be necessary" through FY 1993.	The authorization for the program is extended through FY 1993 with an FY 1988 authorized funding level of $20 million and "such sums as may be necessary" through FY 1993.
EDUCATION FOR ECONOMIC SECURITY ACT, TITLE IV--PRESIDENTIAL AWARDS FOR TEACHING EXCELLENCE IN MATHEMATICS AND SCIENCE	**SECTION 2135--PRESIDENTIAL AWARDS FOR TEACHING EXCELLENCE IN FOREIGN LANGUAGES**	**SECTION 6004--PRESIDENTIAL AWARD FOR FOREIGN LANGUAGE TEACHERS**
This title authorizes a program of awards to outstanding math and science teachers, one each from the elementary and secondary levels in each State, D.C., and Puerto Rico.	This section authorizes a new, separate program of awards for outstanding teaching in foreign languages. It is similar to the current law program of awards for excellence in math and science. One million dollars is authorized for FY 1988 and "such sums as may be necessary" through FY 1993.	This section amends Title IV of the Education for Economic Security Act by adding authority for awards for outstanding teaching in foreign languages. An authorized appropriation level of $1 million is provided.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
No comparable provision.	No comparable provision.	**SECTION 6005--STAR SCHOOLS PROGRAM AUTHORIZED** This section amends the Education for Economic Security Act by authorizing the Star Schools Program Assistance Act. This program, to improve math, science, and foreign language instruction (as well as other subjects, such as vocational education), provides assistance to telecommunications partnerships for acquisition and development of telecommunications facilities, implementing networks, training teachers, and developing educational programming. The Federal share of the costs of these activities is 75 percent. At least half of the annual funding must be spent on local educational agencies eligible for Federal compensatory education aid. One hundred million dollars are authorized for FY 1987 through FY 1992. The maximum annual appropriation is $20 million for FY 1988 and $60 million for FY 1989-1992; the maximum individual grant is $10 million a year.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
		TITLE VI, PART B--FOREIGN LANGUAGE ASSISTANCE
		Foreign language assistance program
No provision.	No provision.	Under the "Foreign Language Assistance Act of 1987", the Secretary of Education is authorized to make grants to the States for model local programs of elementary and secondary school foreign language education. The assisted programs are to be available to both public and private school pupils (and in some cases other residents) of an LEA, are to include an evaluation component, and are to focus on "critical" foreign languages, as determined by the Secretary of Education. The Federal share of program costs is to be 50 percent.
No provision.	No provision.	**Allocation formula**
		Appropriations are to be allocated to the States in proportion to State population aged 5-17 years, with a State minimum of 0.5 percent of the total grants. One percent of appropriations is reserved for the Outlying Areas.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
No provision.	No provision.	**Authorization of appropriations** The appropriations authorization level for this program is $21 million for FY 1989, rising to $25 million for FY 1993.

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Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
ADULT EDUCATION		
ADULT EDUCATION ACT	**TITLE IX, PART A--ADULT EDUCATION (ADULT EDUCATION AMENDMENTS OF 1987)**	**TITLE V, PART A--ADULT EDUCATION (ADULT EDUCATION REAUTHORIZATION ACT OF 1987)**
Statement of purpose		
The purpose of the Adult Education Act (AEA) is to encourage programs to enable all adults to acquire basic literacy skills, to enable those who so desire to complete a secondary education, and to make available to adults the means to become more employable, productive, and responsible citizens.	The purpose of the AEA is revised to stress basic educational skills necessary for the "literate functioning" and to emphasize job retraining programs and the ability to retain employment.	Same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Definitions		
"Adult" is defined to include persons 16 years or older who are beyond the age of compulsory school attendance under State law. "Adult education" and "adult basic education" are defined separately. "Institution of higher education" is defined to include proprietary institutions of higher education, postsecondary vocational institutions, and accredited professional nursing programs leading to a bachelor or associate degree in nursing.	"Adult education" is redefined to include adult basic education activities. "Institution of higher education" is redefined to exclude proprietary institutions of higher education, postsecondary vocational institutions, and accredited professional nursing programs leading to a bachelor or associate degree in nursing. "Educationally disadvantaged adult" is defined, as a new term, to mean an adult who demonstrates basic skills equivalent to or less than those of students at the fifth grade level, or who has been placed in the lowest competency level of an adult education program.	A technical change is made to the definition of "adult" for purposes of the allotment formula. The term "adult education" is limited to services for adults who are not enrolled in secondary school. Definitions are given for the terms "community-based organization," "private industry council," "individual of limited English proficiency," "out-of-school youth," and "English literacy program."

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Authorization of appropriations		
There are authorized to be appropriated for the AEA "such sums as may be necessary" for FY 1988. Additional amounts are authorized for the education of adult Indians (see below).	There are authorized to be appropriated for the AEA $200 million for FY 1988, and "such sums as may be necessary" for each of FY 1989 through FY 1993. Additional amounts are authorized for the education of adult Indians (see below).	There are authorized to be appropriated for the AEA $200 million for FY 1989, $210 million for FY 1990, $225 million for FY 1991, $235 million for FY 1992, and $245 million for FY 1993. For AEA national programs, $2 million is authorized for each of FY 1989 through FY 1993. For AEA workplace literacy partnerships, $30 million is authorized for FY 1988, $31.5 million for FY 1989, and "such sums as may be necessary" for each of FY 1990 through FY 1993. For AEA English literacy grants, $25 million is authorized for FY 1988, $26.3 million for FY 1989, $27.6 million for FY 1990, $29 million for FY 1991, $30.5 million for FY 1992, and $32 million for FY 1993. Additional amounts are authorized for the education of adult Indians (see below).

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Reservation of funds for national programs		
If total appropriations for the AEA equal or exceed $112 million in any fiscal year, the Secretary may reserve up to 5 percent for national programs.	The percentage reserved for the Secretary is decreased to 3 percent, and is to be available only when total annual appropriations for the AEA exceed $108 million.	A separate authorization of $2 million per year is provided for national programs.
State allotment formula		
The Secretary allots $100,000 to each Outlying Area and $250,000 to each State (the 50 States, the District of Columbia, and Puerto Rico); remaining funds are allotted to States as well as the Outlying Areas in proportion to the number of adults who have attained 16 years of age, who have not graduated from high school (or its equivalent), and who are not currently required to be enrolled in school, except that no State or Outlying Area shall receive an amount less than it received in FY 1984 for AEA programs.	The allotment formula is changed to limit allotments to $100,000 for each of the Outlying Areas. Remaining funds are allotted only to the 50 States, the District of Columbia, and Puerto Rico; these receive $250,000 each plus an amount proportional to the number of adults who have attained 16 years of age, who have not graduated from high school, and who are not currently enrolled or are not required to be enrolled in school. The required minimum amount (equal to the FY 1984 AEA payment) is amended to equal the FY 1987 AEA payment, and does not apply to the Outlying Areas	Except for a technical amendment, the allotment formula is not changed.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Use of funds; local applications		
AEA grants to States may be used to support adult education programs that are carried out by local educational agencies and by public or private agencies, organizations, and institutions. For-profit entities can receive grants only if they can make a significant contribution toward AEA objectives and provide services not otherwise available from public entities. Entities other than local educational agencies receiving grants must have prior consultation with appropriate local educational agencies. There are no other application requirements for local grants.	Similar provisions are included for local grants, with the exception of for-profit entities. A for-profit entity is eligible to participate only as a member of a consortium, but only if the entity could make a significant contribution toward AEA objectives. Local applications must contain information related to current programs; cooperative arrangements with private organizations; and assurances that programs are coordinated with, and do not duplicate, other Federal, State, and local programs serving adults. Programs that serve educationally disadvantaged adults must be given preference among local applications for AEA funds.	Same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Limitations on use of funds		
Each State must observe the following limitations on its use of AEA funds: (1) no more than 20 percent may be used for the education of institutionalized individuals; (2) no more than 20 percent may be used for programs of high school equivalency; and (3) no less than 10 percent may be used for special experimental demonstration projects and teacher training.	Similar provisions are continued. In addition, no more than 10 percent of each State grant may be used for private sector training (see below).	The limitation on the use of funds for corrections education and the education of other institutionalized persons is changed to no less than 10 percent.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Private sector training	**Workplace literacy partnership grants**
No provision.	Each State is permitted to spend up to 10 percent of its AEA grant to support programs to provide literacy and other basic skills to currently employed persons, for the purpose of improving the productivity of the workforce. Business, industry, labor organizations, and education partnerships may be used for this purpose.	A new and separately authorized AEA program of demonstration grants for workplace literacy partnerships is established to provide literacy and training skills for employed persons. Partnerships consist of (a) business, industry, labor organizations, or private industry councils and (b) State or local educational agencies, institutions of higher education, and schools. In any fiscal year for which the appropriation for partnerships equals or exceeds $50 million, formula grants to the States are authorized for similar types of workplace literacy partnerships.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Administrative cost limitations		
Each State must provide for the administration of AEA programs; there is no explicit limitation on State use of Federal funds for administration. There is no explicit authorization or limitation for local use of AEA funds for administration.	No more than 5 percent of each State grant, or $50,000, whichever is greater, may be spent for the administration and development of the State plan and for other required State activities, including mandatory program evaluation and the operation of a State advisory council. No more than 5 percent of each grant to local recipients may be spent for planning, administration, personnel development, and interagency coordination.	Same as current law.
	State imposed requirements	
No provision.	Any State rule or policy relating to the administration of AEA programs must be identified as a State-imposed requirement.	No provision.
State advisory council		
Each State may use AEA funds to support a State advisory council to assist the State educational agency to plan, implement, or evaluate activities assisted under the AEA.	Each State is required to have a State advisory council, with membership representative of specific types of persons. Certification, procedures, terms of appointment, and duties are specified.	Same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
State plan and application		
Each State must submi. an application under the provisions of section 435 of the General Education Provisions Act (GEPA); this application remains in effect for the duration of the program. Each State must also submit a State plan (not more frequently than once every 3 years) that describes the planned use of AEA funds, and sets forth various provisions for administration, identification of population needs, program operation, and data reporting for AEA programs at the State and local level. Each State plan must: (1) ensure adequate consultation with State agencies and other agencies, organizations, and institutions with regard to the development of the State plan and program implementation; (2) identify the State's adult education needs; and (3) provide for special emphasis on adult basic education needs in the State.	Each State is required to submit, as a single document, a State plan and application every four years for the approval of the Secretary. The document is to be a general application under the provisions of section 435 of GEPA. Each State shall: (1) utilize its advisory council in formulating the plan and respond to substantial objections of the council; (2) conduct public hearings regarding the plan; (3) submit the proposed plan for comment to the State agency for vocational education, the State job training coordinating council, and the State agency for postsecondary education; (4) make a thorough assessment of the State's adult education needs and programs every four years; (5) describe its responses to the assessment in the plan; and (6) describe the joint planning and coordination with other Federal programs serving adults.	State plan requirements are clarified with regard to AEA programs for persons with limited English proficiency. Such programs may, if necessary, be conducted in the native language, or exclusively in English. Otherwise, no change is made.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	State plan amendments	
No provision.	Procedures for amending State plans are specified.	No provision.
	State program evaluation	
No provision.	Each State must evaluate the programs of its local grant recipients. At least 15 percent of the recipients are to be evaluated in the first year of the State plan; at least 20 percent in the second year; and at least 25 percent during subsequent years. Evaluations must specifically include the extent to which programs are serving educationally disadvantaged adults.	No provision.
Experimental projects and teacher training		
No less than 10 percent of each State AEA grant must be used for special experimental demonstration projects, including innovative methods or activities, and teacher training programs, including preservice and in-service training, to carry out the purposes of the AEA.	A similar provision is continued.	Same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Federal Share		
The Federal share of expenditures is 90 percent of the costs of carrying out State programs, except that the Federal share for each of the Outlying Areas is 100 percent.	The Federal share is amended to 90 percent in FY 1988, 87 percent in FY 1989, 83 percent in FY 1990, and 80 percent in FY 1991 through FY 1993; the share for Outlying Areas remains at 100 percent.	The Federal share for States is reduced from 90 percent to 75 percent; the Federal share for Outlying Areas remains at 100 percent.
Maintenance of effort; supplement-not-supplant		
Total State expenditures from non-Federal sources for adult education programs must be maintained at the level of the preceding fiscal year; the Secretary may waive this requirement, for one year only, under exceptional circumstances.	The maintenance of effort requirement is continued; in addition, Federal funds may be used by States to supplement non-Federal funds spent for AEA purposes, and cannot be used to supplant State and local funds for these purposes.	Same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
National research activities		
The Secretary is required to support various applied research, development, demonstration, dissemination, and evaluation projects and related activities with available funds. These activities specifically may include adult education projects for the elderly, immigrants, technology and computer software, and cooperative programs. Up to 5 percent of AEA appropriations may be reserved for these activities, but only if total AEA funding is at least $112 million.	These requirements are continued for the applied research, development, demonstration, dissemination, and evaluation projects. The conditional authorization of appropriations is changed to 3 percent of AEA appropriations, but only if total AEA funding is at least $108 million. With these funds, the Secretary must establish an information clearinghouse on adult literacy, and carry out other Secretarial requirements (discussed below). With any Federal funds available, the Assistant Secretary for Educational Research and Improvement is authorized to support research on the special needs of persons requiring adult education.	These requirements are not changed. However, the conditional authorization of appropriations is eliminated, and replaced by a separate authorization of $2 million annually.
	Farmworker and immigrant education	
No provision.	With funds available for national programs (discussed above), the Secretary shall make grants to States and local recipients to provide adult education programs, services, and activities to meet the special needs of migrant farmworkers and immigrants.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Literacy volunteer training	
No provision.	With funds available for national programs (discussed above), the Secretary shall make grants to States and local recipients to support programs designed to train adult volunteers, especially the elderly, as tutors in local adult education programs.	No provision.
	Other Secretarial requirements	
No provision.	With funds available for national programs (discussed above), the Secretary is required to: (1) assist States evaluate the progress of adult education programs toward meeting the objectives of the AEA; (2) determine the criteria for defining illiteracy, within 2 years of enactment of the 1987 amendments; (3) report every 4 years on the status of illiteracy and adult education in the Nation; (4) report every 3 years on the evaluations of adult education programs; (6) conduct a study of Federal sources of funding for adult education and literacy programs, jointly conducted with the Secretary of Labor and the Secretary of Health and Human Services.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Limited English proficiency States must provide special assistance to meet the needs of persons with limited English language proficiency, as part of the State program under the AEA.	Persons with limited English language proficiency are listed as one of the groups for which adult education services must be significantly expanded through the State program under the AEA.	**English literacy grants** A new and separately authorized AEA program of English literacy grants is established. Demonstration grants may be made by the Secretary to the States for the establishment, operation, or improvement of English literacy programs for adults with limited English proficiency. Grants shall be available for not more than three years. At least 50 percent of each State grant must be used for English literacy programs operated by community-based organizations. No more than 10 percent of the funds available for these grants may be reserved for demonstration programs for (a) new instructional methods and technologies and (b) an information clearinghouse.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Education for adult Indians		
The Secretary is required to carry out a program to support planning, pilot, and demonstration projects for adult education for Indians. There are authorized to be appropriated for these projects an amount not to exceed the FY 1986 appropriation for each of FY 1988 and FY 1989.	These provisions are extended, with an authorization of appropriations of $8 million for FY 1988, and "such sums as may be necessary" for each of FY 1989 through FY 1993.	These AEA provisions are repealed. However, similar provisions are newly authorized under part C of title XI of the Senate bill (discussed below).
National Advisory Council		
The President must appoint a 15-member national advisory council on adult education. The Council shall advise the Secretary with respect to regulations and policy matters, review the effectiveness of the programs, and make annual reports.	A similar provision is continued.	The requirement for a National Advisory Council for Adult Education is repealed.
Adult education for the homeless		
The Stewart B. Mckinney Homeless Assistance Act (P.L. 100-77) authorizes grants to the States by means of a formula that allots funds in proportion to State assessments of the homeless population, except that no State is to receive less than $75,000.	Same as current law.	The provision for the allotment formula is replaced with a requirement for States to make estimates of the homeless adult population, and for the Secretary to give special consideration to these estimates in making grants to the States.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	IMPACT AID	
PUBLIC LAW 874, 81ST CONGRESS--TITLE I, FINANCIAL ASSISTANCE FOR LOCAL EDUCATION AGENCIES IN AREAS AFFECTED BY FEDERAL AUTHORITY	**TITLE IX, PART B--IMPACT AID**	**TITLE IV--IMPACT AID PROGRAM**
Authorized funds		
There are authorized to be appropriated $780 million for FY 1987 and $800 million for FY 1988.	Amounts appropriated for this title are limited to $735 million for FY 1988. The authorization is "such sums as may be necessary" for each of fiscal years 1989-1993.	There are authorized to be appropriated the following amounts: FY 1989--$821 million, FY 1990--$865 million, FY 1991--$905 million, FY 1992--$950 million, and FY 1993--$995 million.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Payments--entitlements		
Section 3(a) pupils, those whose parents work and live on Federal property and Indians, have entitlements that range from 90 to 100 percent of the local contribution rate (LCR).	Same as current law.	Same as current law.
Section 3(b) pupils, those whose parents work or live on Federal property, have entitlements ranging generally from 40 to 50 percent of the local contribution rate (LCR). These base entitlements are then reduced 33 1/3 percent across the board.	Same as current law.	Section 3(b) pupils receive a 25 percent entitlement.
Payments--preliminary		
Preliminary payments for section 3 are set at 75 percent of the previous year's payment.	Same as current law.	Same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
When appropriated funds are less than entitlements		
Section 3(a) districts are split into three categories: districts where 3(a) pupils comprise 20 percent or more of the total average daily attendance (ADA); districts where 3(a) pupils comprise 15 to 19 percent of the ADA; and districts where 3(a) pupils comprise less than 15 percent of the ADA.	Same as current law.	Same as current law.
These three categories are paid on a priority basis, with the first group receiving full entitlement, the second group receiving somewhat less than full, and the third group receiving whatever is left of the appropriated amount based upon ratable reductions.	Same as current law.	Although the categories are the same for section 3(a) payments, the types of reductions are specified in much more detail. The three types of districts are paid in three waves of payments until the appropriation is exhausted. Initial payment amounts for the three groups, as well as contingency payment amounts for the three groups, are specified in detail. The overall distribution is the same, with the first category receiving the highest percentage of its entitlement and the second receiving a higher percentage than the third. This distribution appears to have greater guarantees that the third category will be assured of at least some percentage of its entitlement.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Section 3(b) districts are split into two categories: districts where section 3(b) pupils comprise 20 percent or more of the total average daily attendance (ADA); and districts where section 3(b) pupils comprise less than 20 percent of the ADA.	Same as current law.	As with section 3(a) payments, the type of reductions are specified in much more detail. The two types of districts are paid in three waves of payments until the appropriation is exhausted. Initial payment amounts for the two groups, as well as contingency payment amounts for the two groups are specified in detail. The overall distribution is the same, with the first category receiving a higher percentage of its entitlement. This distribution appears to have greater guarantees that the second category will be assured of at least some percentage of its entitlement.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Section 6 schools		
School districts sometimes refuse to provide an education to federally connected children living on Federal land within the school district, or land that would be within the school district if it were not owned by the Federal Government. In this case, the Secretary of Education is to deduct from that district's section 3 and 4 payments an amount equal the amount it costs the Department to educate these children, less the local contribution rate.	Same as current law.	Amends section 6 by adding a new subsection (i) which allows districts receiving section 6 funds to also receive section 3 funds.
Section 7 disaster assistance		
Authorizes special funds for districts experiencing natural disasters.	Same as current law.	Amends section 7 eligibility criteria and allows section 7 appropriations to also be available for section 16 of P.L. 81-815.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Regulatory Requirements		
No comparable provision.	No comparable provision.	Restrictions are placed on the Department's regulatory process. No regulation can become final without a 90 day comment period. No regulation will become effective until the fiscal year after it becomes final. With certain exceptions, no regulation can provide for retroactive recovery of funds.
Special assessment rule for Federal acquisition of real property		
As part of section 2, current law states that in districts where the government has acquired real property, that property must have an assessed value of at least 10 percent of the total assessed value of real property in the district, in order for the district to be eligible for funds under section 2.	Same as current law.	Amends this provision to allow districts where this calculation of the percentage of total assessed value was made incorrectly to be considered in compliance with the provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
		Treatment of children residing on property subsidized under section 8 of the United States Housing Act of 1937
There is no explicit or specific provision in the current statute on this topic. However, current program regulations exclude sec. 8 housing from the categories of Federal property on the basis of which P.L. 874 payments may be made.	No provision.	For fiscal years prior to FY 1989, for purposes of determining payments under sec. 3(b) of P.L. 874, property subsidized under sec. 8 of the United States Housing Act of 1937 (as amended) shall continue to be considered Federal property <u>if</u> the LEA received payments on behalf of children residing on such property in the previous fiscal year.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
PUBLIC LAW 815, 81ST CONGRESS (PAYMENTS FOR SCHOOL CONSTRUCTION)		
Authorizations of appropriations		
There are authorized to be appropriated for this program "such sums as may be necessary."	Same as current law, except that the FY 1988 authorization is set at $24 million.	The following amounts are authorized to be appropriated for this program: FY 1989--$25 million, FY 1990--$26 million, FY 1991--$27 million, FY 1992--$28 million, and FY 1993--$29 million.
Disaster Assistance		
Authorizes special construction funds for school districts affected by natural disasters.	Same as current law.	Removes the Secretary's ability to declare a school district to be affected by a disaster for purposes of this provision. Only the President and the Director of the Office of Emergency Planning can make that designation. A district experiencing a disaster must first use all available funds from State and local sources, and if there is still a shortfall of at least $10,000, or 5 percent of current operating expenditures, then the district may be eligible under this provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
No provision.	No provision.	**Study** The General Accounting Office is directed to conduct a study of the effectiveness of the P.L. 815 school construction program. A report based on this study is to be submitted to the Congress within 1 year of the date of enactment of H.R. 5. The study is to evaluate the criteria used to select grantees under this program, as well as the school facility needs--and associated costs--of children in a representative sample of Federally-impacted LEAs.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate

MAGNET SCHOOLS

EDUCATION FOR ECONOMIC SECURITY ACT, TITLE VII--MAGNET SCHOOLS ASSISTANCE

This program supports specific activities in magnet schools operated by school districts implementing desegregation plans. Magnet schools have distinctive curricular features intended to attract students of different races. Funds can be used for expanding or enhancing academic programs, acquiring instructional materials and equipment, and compensating certified and licensed teachers. The program is currently authorized through FY 1988 at $75 million a year.

TITLE III--MAGNET SCHOOLS ASSISTANCE

The House bill repeals title VII of the Education for Economic Security Act and establishes the Magnet Schools Assistance Act of 1987. Most provisions of current law are continued unchanged in this new program. Among the changes that are made are the following: the authorization is raised to $115 million in FY 1988; "such sums as may be necessary" are authorized to be appropriated for FY 1989 through FY 1993; funds cannot be awarded solely on whether an applicant received assistance in a prior funding cycle; the proportion of an annual grant that a recipient can carry over to the succeeding fiscal year is limited to 15 percent; and a recipient's grant cannot be reduced by any amount the recipient carried over from the previous year's grant.

TITLE III--MAGNET SCHOOLS ASSISTANCE

PART A--MAGNET SCHOOLS TO OVERCOME RACIAL ISOLATION

Senate bill repeals title VII of the Education for Economic Security Act and establishes two magnet schools programs--Magnet Schools to Overcome Racial Isolation, and Magnet Schools for Educational Improvement (described below). The Magnet Schools to Overcome Racial Isolation program is similar to current law. Among the differences are the following: annual authorization is $115 million for FY 1989, $121 million for FY 1990, $127 million for FY 1991, $133 million for FY 1992, and $140 million for FY 1993; LEAs not participating in the previous year receive priority in awarding of annual funds in excess of $75 million; awards of first $75 million are not to be based on awards made in the prior funding cycle; and special consideration is given to projects involving collaborative efforts.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
No comparable provision.	No comparable provision.	**PART B--MAGNET SCHOOLS FOR EDUCATIONAL IMPROVEMENT** This new program provides assistance for implementing magnet schools by educational agencies with significant percentages of minority students, and without regard to desegregation activities. These schools are to promote open enrollment with parental choice and to improve academic knowledge among students. This program has anti-discrimination provisions similar to those in current law Magnet Schools Assistance program. Special consideration is given to projects serving minority enrollments of at least 60 percent and applicants not previously assisted under Federal magnet schools programs. The annual authorization is $35 million for FY 1989, $37 million for FY 1990, $39 million for FY 1991, $41 million for FY 1992, and $43 million for FY 1993. No annual appropriation is authorized unless the part A magnet schools program is funded at $100 million or more.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
No provision.	No provision.	**PART C--GENERAL PROVISIONS** Among its provisions, this part limits single grants to $4 million a year and repeals title VII of the Education for Economic Security Act.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	EDUCATION OF THE GIFTED AND TALENTED	
	TITLE IV--GIFTED AND TALENTED PROGRAMS	**TITLE II, PART D--GIFTED AND TALENTED CHILDREN**
	General program structure	
Currently, there is no separate program for the education of gifted and talented children and youth. However, States and LEAs can choose, but are not obliged, to use ECIA chapter 2 and Education for Economic Security Act title II funds for gifted and talented education programs. Previous to the enactment of chapter ECIA chapter 2 in 1981, a Federal program of aid for the education of gifted and talented children was authorized under title IX, part A of the Elementary and Secondary Education Act.	The House bill establishes a discretionary grant program for the education and identification of gifted and talented children. Federal funds will support research and its dissemination, the training of specialized personnel, and the development of programs for the education and identification of gifted and talented children. Federal support will be in the form of grants and contracts, awarded on a competitive basis to State and local educational agencies, institutions of higher education, and other agencies and organizations.	A similar program structure is established in the Senate bill.
	No provision.	

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Priorities in awarding grants or contracts	
No provision.	Priority in the awarding of funds will go to programs that identify and provide educational services to gifted and talented children and youth who may not usually be identified as such, like those who are limited English-proficient, handicapped, or economically disadvantaged. Programs that serve entire States or regions through cooperative efforts among the various eligible recipients and private business are also given funding priority.	Similar priorities are established in the Senate version as the general priorities of the program. In addition, the Senate bill establishes a specific service priority that requires one-half of the grants or contracts awarded funds each year to contain program components designed to serve gifted and talented children who are economically disadvantaged.
	Research and development	
	The bill establishes a National Center for Research and Development in the Education of Gifted and Talented Children. The Center will conduct research and surveys and collect data on gifted and talented children, and develop techniques to identify such children.	Identical provisions are contained in the Senate bill for the establishment of a National Center for Research and Development in the Education of Gifted and Talented Children.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Advisory committee	
No provision.	The bill establishes a National Center for Research and Development in the Education of Gifted and Talented Children. The Center will conduct research and surveys and collect data on gifted and talented children, and develop techniques to identify such children.	Identical provisions are contained in the Senate bill for the establishment of a National Center for Research and Development in the Education of Gifted and Talented Children.
	Authorization of appropriations	
No provision.	There is authorized to be appropriated $25 million for FY 1988, and "such sums as may be necessary" for each of the fiscal years 1989-1993. No more than 30 percent of each year's appropriation can be used to fund the National Center.	There is authorized to be appropriated $15 million for FY 1989, $15.8 million for FY 1990, $16.6 million for FY 1991, $17.4 million for FY 1992, and $18.3 million for FY 1993. The Senate bill also contains a 30 percent limit on the amount of any year's appropriation that can be used for the National Center.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Authorization of appropriations	
No provision.	There is authorized to be appropriated $25 million for FY 1988, and "such sums as may be necessary" for each of the fiscal year 1989-1993. Not more 30 percent of each year's appropriation can be used to fund the National Center.	There is authorized to be appropriated $15 million for FY 1989, $15.8 million for FY 1990, $16.6 million for FY 1991, $17.4 million for FY 1992, and $18.3 million for FY 1993. The Senate version also contains a 30 percent limit on the amount of any year's appropriation that can be used for the National Center.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
DRUG ABUSE EDUCATION		
DRUG FREE SCHOOLS AND COMMUNITIES ACT OF 1986	**TITLE V--DRUG EDUCATION**	
Allocation formula		
From the amount appropriated, 1 percent is reserved for allotment to the Outlying Areas, 1 percent for programs for Indian youth, and 0.2 percent for programs for Hawaiian Natives; 8 percent of funds are reserved for programs with institutions of higher education; 3.5 percent of funds are to be used by the Secretary of Education to carry out Federal education and prevention activities on drug abuse; and 4.5 percent of funds are reserved for 5 regional centers to train school teams, assist State educational agencies, assist local educational agencies and institutions of higher education, and evaluate and disseminate information on alcoho. and drug abuse education programs and strategies. The remainder of appropriations are allotted to the States on the basis of population	Same as current law.	No provision. (On December 15, 1987, the Senate passed H.J.Res. 90, a bill requesting the President to call a White House Conference on Library and Information Services. During Senate floor debate, an amendment was adopted to amend the education provisions of the Drug Free Schools and Communities Act of 1986, and extend the authorization for this program through FY 1993. It is not yet known how, and whether, the drug abuse education provisions of H.R. 5 as passed by the House, and H.J.Res. 90 as passed by the Senate, will be coordinated or conferred upon. Since this report is limited to provisions in either version of H.R. 5 only, no comparison is made here between related provisions of H.R. 5/House and H.J.Res. 90/Senate.)

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
aged 5-17 years, except that no State receives less than 0.5 percent of the remainder.		
Uses of funds		
30 percent of a State's allotment is used by the Governor for State programs and 70 percent is used by the State educational agency to carry out its responsibilities and for grants to local and intermediate educational agencies and consortia.	Same as current law.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Use of Governors' funds		
Not more than 50 percent of funds available to the Governor is used to assist local governments and other public or non-profit private entities for the development and implementation of drug abuse prevention and education programs. Not less than 50 percent is used by the Governor for innovative community-based programs of coordinated services for high-risk youth.	Same as current law, except the House bill provides that local drug abuse education and prevention activities shall include a youth suicide prevention program.	No provision.
Application		
States are required to submit an application to the Secretary to receive an allotment for drug abuse education and prevention activities.	Same as current law, except the State application must provide a description of how, where feasible, the alcohol and drug abuse programs will be coordinated with youth suicide prevention programs.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Use of State education agency funds		
A State education agency is required to use not less than 90 percent of the amount available to it for grants to local and intermediate educational agencies and consortia.	Same as current law, except that the State education agencies must distribute funds to local and intermediate educational agencies and consortia on the basis of their relative enrollments in public and private non-profit schools, rather than on the basis of the relative numbers of children in the school-age population, as required in P.L. 99-570.	No provision.
The State education agency is required to use not more than 10 percent of its allotment for such activities as training and technical assistance, development and dissemination of drug abuse materials, demonstration projects, special financial assistance, and administrative costs.	Same as current law.	No provision.
Local educational agency applications		of the current
Local or intermediate educational agencies or consortia are required to submit applications to State	Same as current law, except the House bill requires that local applications include a description	

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
education agencies for funds for drug abuse education activities.	drug and alcohol problems in the schools of the applicant.	No provision.
	Annual report	
No provision.	Each State is required to submit to the Secretary an annual report containing information on State or local programs conducted under this Act.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Study		
Among other things, the Secretary of Education is required, in conjunction with the Secretary of HHS, to conduct a study of the nature and effectiveness of existing Federal, State, and local programs of drug abuse education and prevention and submit a report to the President and appropriate Congressional Committees not later than 1 year the date of enactment.	Same as current law, except the House bill requires that the Secretary of Education also conduct a study of the relationship between drug and alcohol abuse and youth suicide.	No provision.
Authorization of appropriations		
Authorizes $200 million for FY 1987 and $250 million a year for fiscal years 1988 and 1989.	Authorizes $200 million for FY 1987, $250 million for FY 1988, and "such sums as may be necessary" for each of the fiscal years 1989 through 1993.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	IMMIGRANT EDUCATION	
EMERGENCY IMMIGRANT EDUCATION ACT	**TITLE VI, PART C--IMMIGRANT EDUCATION**	
Statement of purpose; program description		
The Emergency Immigrant Education Act provides financial assistance through State formula grants to local school districts enrolling substantial numbers of recent immigrant students. Awards, based on the numbers of immigrant children, help finance (1) basic educational costs, such as instructional materials and transportation; (2) school construction or the rental of classroom space; (3) related educational services and special materials, such as a bilingual education program; and (4) essential inservice training for instructional personnel. Participation is limited to local school districts with at least 500 immigrant students or where such students represent at least 3 percent of the total elementary and secondary school enrollment.	The Act is extended through fiscal year 1993 in its current form, with the exception of the 3 changes described below.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Reports	
No provision.	SEAs receiving funds under the Act are required to submit an annual report to the Secretary of Education concerning the expenditure of funds, and specifying the services provided, number of students served, length of service, and any other information requested by the Secretary. The Secretary is required to submit an annual report to the House Committee on Education and Labor and the Senate Committee on Labor and Human Resources describing programs supported under the Act.	No provision.
	National assessment	
No provision.	The General Accounting Office is required to conduct a national assessment of programs supported under the Act and to submit a report regarding this assessment to the House Committee on Education and Labor and the Senate Committee on Labor and Human Resources by March 15, 1989, and every third year	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	thereafter as long as the Act is authorized.	
Authorization of appropriations		
The authorization of appropriations for the Emergency Immigrant Education Act is $40 million for each of fiscal years 1988 and 1989.	There are authorized to be appropriated $40 million for fiscal year 1990, and "such sums as may be necessary" for each of the 3 subsequent fiscal years.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	INDIAN AND NATIVE HAWAIIAN EDUCATION	
TITLE XI -- INDIAN EDUCATION (EDUCATION AMENDMENTS OF 1978)	TITLE VIII -- INDIAN EDUCATION (INDIAN EDUCATION AMENDMENTS OF 1987)	TITLE XI -- INDIAN EDUCATION
PART B -- BUREAU OF INDIAN AFFAIRS PROGRAMS	PART A -- STUDENTS IN FEDERALLY OPERATED SCHOOLS	PART A -- BUREAU AND CONTRACT SCHOOLS (INDIAN EDUCATION AMENDMENTS OF 1987)
Recognition of Federal schools		
The Secretary of the Interior is authorized by regulation to promulgate standards and procedures for closing, consolidating, or substantially curtailing schools or dormitories operated by the Bureau of Indian Affairs (BIA).	The House bill provides for Federal recognition of all schools and dormitories that were operated or funded by the BIA and were in operation on January 1, 1987, and provides that no educational program in those schools or dormitories may be terminated, transferred to operation by a contractor, transferred to a State or local educational agency, or have its program substantially curtailed without the express permission of Congress, except upon formal request of the appropriate tribal group.	Restrictions are placed on the Secretary of Interior related to the transfer of schools, facilities, or programs funded by the BIA, except when the transfer is approved by the tribal governing body.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Temporary closures		
BIA schools undergoing temporary closure, consolidation, or curtailment are exempted from required regulations governing permanent actions.	Following an inspection, the Secretary of the Interior is authorized to close, for a period of no longer than 1 academic or calendar year, whichever is shorter, a school or dormitory because of facility conditions that pose a threat to the health and safety of students.	If a school is temporarily closed or consolidated, or programs are curtailed by immediate hazards to health or safety, and if the Secretary of Interior estimates the condition will persist for more than 1 year, the Secretary is to submit a report to the Congress, within 6 months of the closure, on the causes of the condition and the steps being taken to eliminate the condition.
Establishment of new schools		
No provision.	The Assistant Secretary of the Interior is directed to develop regulations on the establishment or expansion of schools operated by, or contracted with, the BIA. No regulation is to base this decision primarily on geographic proximity to public education; equal weight is to be given to geographic and demographic factors, the history of BIA programs, potential providers of educational services, and input from all parties, including the public schools.	The Secretary of the Interior is directed to develop regulations on the eligibility of schools for BIA funding, and on the expansion of BIA-funded schools. Eligibility is to be based on geographic and demographic factors and on the history of the school and potential providers of educational services.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
School Expansion		
No provision.	Within 2 years after the date of enactment, the school board of the Pueblo of Zia and the Tama Settlement is given specific authorization to expand its educational program to Kindergarten through grade 8.	Provision is similar to the House bill.
Waiver of boarding standards		
No provision.	The Secretary of Education is permitted to waive the regulatory standards for operation of dormitories for Indian students, and to maintain schools in operation on or before Jan. 1, 1987. The Assistant Secretary of the Interior for Indian Affairs is required to submit a detailed estimate of the funds needed to bring all dormitories into compliance with standards.	The Secretary of the Interior is permitted to waive the regulatory standards for operation of dormitories for Indian students.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Regulations		
The Secretary of the Interior is required to establish necessary regulations related to the basic education of Indian children and national criteria for dormitory arrangements for such children.	Provisions of 25 CFR parts 31, 32, 33, 36, 39, 42, and 43, as in effect on Jan. 1, 1987, are incorporated as a part of the House bill. These provisions are related to policies for schools, transfer of school functions, academic standards, funding of schools, student rights, and student records. If these regulations are found not to be in compliance with a previous statute, the previous statute shall apply, with the exception that a funding factor for gifted and talented Indian students may be included in the allocation formula for BIA-funded schools. Except as specifically required by this Act or any subsequent Act, the Secretary of the Interior and the Assistant Secretary for Indian Affairs are prohibited from publishing regulations, guidelines, policies, or procedures on these matters.	Before publication of any regulation or rule related to Indian education, the Secretary of the Interior must submit the regulation or rule to a review panel, and take into account comments and advice of the panel. The selection of panel membership is specified.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
School allotment formula		
The Secretary of the Interior is required to establish a formula for determining the minimum annual amount of funds necessary to sustain a school, and to give consideration to a list of factors.	The Secretary of the Interior is authorized to use a new formula in computing administrative costs of operating a school under contract. Factors include total funding for the school from the BIA and the Department of Education, number of sources of funding, adjustments for size of total school budget, and the school's geographic isolation. Explicit funding requirements for indirect school costs are repealed. The Secretary of the Interior is required to send an annual projection of the costs of funding this formula to the Congress.	The allotment formula for grants to schools is modified to take into account types of students, school size, residential services, and State standards. A new formula is authorized for grants for administrative and indirect costs. The Secretary is required to conduct studies to determine actual administrative costs for a sample of schools, and report findings and recommendations to the Congress.
School board training		
Grants are authorized for school board training and activities related to schools operated or funded by the BIA.	A specific portion of the total funding for schools operated or funded by the BIA is set aside for school board training sessions provided through national and regional associations. Additional funding is authorized for expenses associated with school board activities in each BIA-operated school.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Local procurement		
The Assistant Secretary of the Interior for Indian Affairs is authorized to issue guidelines to give each BIA-operated school the authority to expend no more than $25,000 each year for supplies and equipment without competitive bidding.	In FY 1988 and thereafter, BIA-operated schools may expend no more than $25,000 per year for supplies and equipment, provided that the supervisor of the school certifies that the price paid is fair and reasonable, specific school board authority is given, documentation is provided for the purchase, statutory authority is cited, and the cost does not exceed $10,000 for any single item.	Provisions are similar to the House bill.
Coordinated programs		
No provision.	Subject to the availability of sufficient funds, where specifically requested by Indian tribes whose children are served by a BIA-operated education program, the BIA is required to implement any cooperative agreement between the tribe and the local public school involving a BIA-operated education program. The parties to the agreement shall decide its contents, and the agreement may encompass coordination of the academic program, curriculum, support services, and transportation.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Consultation		
It is BIA policy to facilitate Indian control of Indian affairs in all matters related to education.	The process of consultation between the BIA and tribal groups is to include specified formal notices, scheduled meetings, and recognition of the views of the participants.	The Secretary of the Interior is to share responsibility for consultation with tribal groups. The content of the consultation, formal notices, scheduled meetings, and recognition of the views of the participants are specified.
Indian preference		
Provisions are made for waiver of Indian preference requirements in any personnel action when the tribal organization grants the waiver and deems such action to be necessary.	The waiver is extended to include any initial hire or other personnel actions.	The waiver is extended to include both applicants and employees.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Personnel compensation study		
No provision.	The Assistant Secretary of the Interior for Indian Affairs is directed to conduct a study of personnel costs in BIA-funded schools, including comparisons of salaries with those in neighboring local educational agencies and with State averages. New provisions expand current statutory authority for a local school board to provide a pay differential for BIA employees of up to 25 percent of the rate of basic compensation.	A study similar to that required in the House bill is authorized, except that: (1) the Secretary of the Interior is responsible for conducting the study, and (2) BIA school personnel compensation also is to be compared with compensation in schools operated by the U.S. Department of Defense. BIA provisions for pay differentials are expanded as well.
No provision.	No provision.	**Early childhood development program** The Secretary of the Interior is authorized to make grants to tribes and tribal organizations to establish and maintain early childhood development programs, including education and health services for parents and their children under 6 years of age. There are authorized to be appropriated $15 million for FY 1989 and for each succeeding fiscal year. (This program replaces part C of title XI of the Education Amendments of 1978.)

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
No provision.	No provision.	**Sequestration orders** The Secretary of the Interior is authorized to use funds from any BIA school that has been closed or consolidated for any other BIA or contract school in any fiscal year that appropriations for such schools have been reduced by more than 5 percent by a sequestration order under the Balanced Budget and Emergency Deficit Control Act of 1985.
No provision.	No provision.	**Tribal departments of education** The Secretary of the Interior is authorized to make grants and provide technical assistance to tribes to establish departments of education that would be responsible for planning and coordinating all educational programs of the tribe. There are authorized to be appropriated for each fiscal year "such sums as may be necessary" for these grants.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
No provision.	No provision.	**Johnson-O'Malley allocations study** The Secretary of the Interior is to conduct a study of the methods used in funding contracts under the Johnson-O'Malley Act. No later than 6 months after enactment, the Secretary is to report to the Congress on the study, together with recommendations to ensure effective and equitable distribution of funds.
School boundaries The Secretary of the Interior is required to establish separate geographical attendance areas for each BIA school.	No provision.	An exception is made for cases where more than one BIA school is located on a reservation: subject to the approval of the tribal governing board, the relevant school boards may establish their own boundaries, and such boundaries shall be accepted by the Secretary.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	TITLE VIII, PART B -- SELF-DETERMINATION GRANTS (INDIAN SELF-DETERMINATION GRANTS ACT OF 1987)	TITLE XI, PART B -- TRIBALLY CONTROLLED SCHOOL GRANTS (TRIBALLY CONTROLLED SCHOOLS ACT OF 1987)
	Purpose of program	
No provision.	A new program of grants for the operation of Indian-controlled schools is authorized. This program is an expansion of the concepts in P.L. 93-638 that provide for the BIA to contract with tribal schools for the education of Indian children living on Indian lands.	The purpose is similar to the House provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Awards	
No provision.	Grants are to be awarded to applicants unless there is "clear and convincing" evidence that the services to be provided will be harmful to those served by the program. One grant shall be made each year to each tribally-controlled school, in an amount not less than the funding the school would otherwise receive under current allocation formulas. Satisfactory performance may be demonstrated by school certification, accreditation, or candidacy status with a State or regional accrediting association; conformance with BIA academic standards; or a positive evaluation conducted by an outside evaluator approved by the Secretary of the Interior and the grantee (or by the tribal authority upon failure of the 2 parties to agree on selection of an evaluator).	Provisions are similar to the House bill.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
PART A, INDIAN EDUCATION ACT/TITLE III, P.L. 874, 81ST CONGRESS, THE INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE ACT	TITLE VIII, PART C -- OTHER PROGRAMS OF INDIAN EDUCATION	TITLE XI, PART C, SUBPART 1--INDIAN EDUCATION ACT OF 1987
Appropriations are authorized to be made for grants to LEAs, for services to meet the "special educational and culturally related academic needs" of Indian children. In general, grants may be made to LEAs with Indian enrollment of at least 10 pupils (or 50 percent of total enrollment, if less), and are to be in proportion to the number of enrolled Indian pupils, multiplied by the State average expenditure per pupil for public elementary and secondary education. An additional 10 percent of the amount otherwise authorized to be appropriated is authorized for grants to schools that are on or near Indian reservations and are not part of LEAs. An additional 10 percent is also authorized for competitive grants by the Secretary of Education. This program is authorized for FY 1987-89, but only at a level equal to the FY 1986 appropriation, which was $47,870,000.	The Indian Elementary and Secondary School Assistance Act is extended through FY 1993, without substantive amendment, and at an appropriations authorization level of $70 million for FY 1988, and "such sums as may be necessary" for each of FY 1989-1993.	The Indian Elementary and Secondary School Assistance Act is repealed, and replaced with a new authorization of formula grants to LEAs for the education of Indian children, the Indian Education Act of 1987. The authorized appropriations level is $70 million for FY 1988, and "such sums as may be necessary" for each of FY 1989-1993. The major elements of this program are the same as those of current law, although the Senate bill has more extensive conditions for approval of LEA applications, especially in the areas of parental and community involvement, documentation of the eligibility of participating pupils, and maintenance of State and local fiscal effort.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
PART B, SECTION 421, INDIAN EDUCATION ACT/TITLE X, SECTION 1005, ELEMENTARY AND SECONDARY EDUCATION ACT -- IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN STUDENTS	TITLE VIII, PART C -- OTHER PROGRAMS OF INDIAN EDUCATION	TITLE XI, PART C, SUBPART 2, SECTION 11321 -- IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN
Under sec. 1005 of the Elementary and Secondary Education Act (ESEA), the Department of Education is authorized to make grants to a wide variety of educational agencies and institutions to support planning for and conducting innovative, demonstration programs to improve educational opportunities for Indian children. Grants may not be made for a period of more than 3 years. The uses of funds may include preservice and inservice training of personnel. Appropriations of $35 million for each year through FY 1989 are authorized for this purpose. Appropriations of $8 million for each year through FY 1989 are also authorized for program evaluation, technical assistance, and dissemination. However, in neither case may the appropriation exceed the amount appropriated for FY 1986.	The program of ESEA sec. 1005 is extended through FY 1993, at an authorization level of $35 million per year. However, the authorization for grants or contracts for evaluation, technical assistance, and dissemination is not extended. The authorized uses of funds are expanded to include the development or improvement of tribal divisions of education, encouragement of Indian students to attend institutions of higher education, and reduction of school dropout rates among Indian students. In addition, in awarding grants under sec. 1005, the Secretary of Education is required to consider prior performance by the applicant, and not to limit grants on the basis of the number of previous grants an applicant has received.	ESEA sec. 1005 is repealed, and replaced with a virtually identical program of demonstration grants for the improvement of educational opportunities of Indian pupils. The appropriations authorization level is $35 million for each fiscal year through FY 1993.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
PART B, SECTION 422, INDIAN EDUCATION ACT -- SPECIAL EDUCATIONAL TRAINING PROGRAMS FOR TEACHERS OF INDIAN CHILDREN	TITLE VIII, PART C -- OTHER PROGRAMS OF INDIAN EDUCATION	TITLE XI, PART C, SUBPART 2, SECTION 11322 -- SPECIAL EDUCATIONAL TRAINING PROGRAMS FOR THE TEACHERS OF INDIAN CHILDREN
Grants are authorized to be made to institutions of higher education or Indian organizations for training of teachers or administrators to meet the special educational needs of Indian students. The program is authorized through FY 1989, at an annual level equal to the appropriation for this program for FY 1986. Assistance may be provided to students in the form of traineeships, fellowships, stipends, and dependents' allowances. Preference is to be given to Indian institutions, organizations, and individuals.	This program is extended through FY 1993, at an annual authorization level of "such sums as may be necessary".	The current program is repealed, and replaced with a virtually identical authorization. The authorized appropriation level is $2 million for each fiscal year through FY 1993.

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Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
PART B, SECTION 423, INDIAN EDUCATION ACT -- FELLOWSHIPS FOR INDIAN STUDENTS	TITLE VIII, PART C -- OTHER PROGRAMS OF INDIAN EDUCATION	TITLE XI, PART C, SUBPART 2, SECTION 11323 -- FELLOWSHIPS FOR INDIAN STUDENTS
Fellowships may be awarded to Indian students, for a period of up to 4 years, for postbaccalaureate study, or for baccalaureate study in the fields of engineering, business administration, natural resources, and related fields. The appropriations authorization for this program for each of fiscal years 1987-1989 is equal to the FY 1986 appropriation. Not more than 10 percent of the fellowships is to be used for training in guidance counseling, with a specialty in the area of alcohol and drug abuse.	The program is extended, at an authorization level of "such sums as may be necessary" for each fiscal year through FY 1993.	The current program is repealed, and replaced with a virtually identical authorization. The authorized appropriation level is "such sums as may be necessary" for each of FY 1989 through 1993.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
		TITLE XI, PART C, SUBPART 2, SECTION 11324 -- GIFTED AND TALENTED
No provision, although projects for the education of gifted and talented Indian children are among the purposes for which grants may be used under ESEA sec. 1005.	No provision, other than the extension of ESEA sec. 1005 (see above).	The Secretary of Education is required to establish centers for gifted and talented Indian students at Sinte Gleska College and Navajo Community College; and to award grants to these institutions plus the American Indian Higher Education Consortium for demonstration projects to meet the special educational needs of gifted and talented Indian students. The grantees may use funds for the identification of students, provision of services, conduct and dissemination of research, development of a national information network, or the use of public television. There is authorized to be appropriated $3 million for each of fiscal years 1988-1993 for this purpose.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
PART B, INDIAN EDUCATION ACT/SECTION 315, ADULT EDUCATION ACT--IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS	TITLE IX, PART A -- ADULT EDUCATION (ADULT EDUCATION AMENDMENTS OF 1987)	TITLE XI, PART C, SUBPART 3--SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS
The Secretary of Education is authorized to make grants to State and local educational agencies, plus Indian tribes and organizations, to plan, conduct, and improve programs of adult education for Indians. These programs may provide basic literacy training and/or education to qualify for a high school equivalency certificate. The Secretary may also make grants for surveys of literacy problems among adult Indians, program evaluations, and dissemination of information on effective services. Grantees must involve members of the Indian community in developing and conducting their programs. Indian organizations are given priority in selecting grant recipients. The program is authorized through FY 1989, at a level equal to the appropriation for FY 1986 ($2,797,000).	The current Indian adult education provisions of the Indian Education Act (IEA) within the Adult Education Act (AEA) are replaced with a new sec. 378 of the Adult Education Act. The provisions for this program are virtually identical to those of the current sec. 315 of the Adult Education Act. The authorized appropriations level is $8 million for FY 1988 and "such sums as may be necessary" for each of FY 1989-1993.	The curren. AEA program for the education of adult Indians is repealed; the program is replaced with virtually identical provisions that are part of the "Indian Education Act of 1987. The authorized appropriation level is "such sums as may be necessary" for each of FY 1989-1993.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
PART D, SECTION 441, INDIAN EDUCATION ACT -- OFFICE OF INDIAN EDUCATION		**TITLE XI, PART C, SUBPART 4, SECTION 11341 -- OFFICE OF INDIAN EDUCATION**
The programs of the Indian Education Act and related legislation are to be administered by an Office of Indian Education within the Office (now, Department) of Education. The Office is to be headed by a "Deputy Commissioner of Indian Education", selected by the Commissioner (now, Secretary) of Education from a list of nominees submitted by the National Advisory Council on Indian Education.	No provision.	The provisions for an Office of Indian Education in the Department of Education are similar to those of current law, with updated references to the Department and Secretary of Education. The Director of this Office is to report directly to the Secretary of Education. Preference is to be given to qualified Indians in the selection of a director. The provision of current law regarding selection of the Director from a list of nominees submitted by the National Advisory Council on Indian Education is not retained.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
PART D, SECTION 442, INDIAN EDUCATION ACT -- NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION	TITLE VIII, PART C -- OTHER PROGRAMS OF INDIAN EDUCATION	TITLE XI, PART C, SECTION 11342--NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION
There is to be a National Advisory Council on Indian Education within the Department of Education. The Council is to consist of 15 members, all Indians or Native Alaskans, nominated by Indian tribes and organizations. The Council is to advise the Commissioner (now, Secretary) of Education on regulations for Indian Education Act programs, review applications for grants under these programs, provide technical assistance to local educational agencies and Indian organizations, and submit an annual report to the Congress with recommendations for the improvement of Federal education programs that benefit Indians. The Council is currently authorized through FY 1989, at an annual appropriation level of "such sums as may be necessary".	The current law provision for the National Advisory Council on Indian Education is extended through October 1, 1993.	The current law provision for the National Advisory Council on Indian Education is repealed, and replaced with virtually identical legislation, with an authorization of appropriations of "such sums as may be necessary" for each of fiscal years 1989-1993.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
PART E, SECTION 453, INDIAN EDUCATION ACT -- DEFINITION	TITLE VIII, PART C, SECTION 8302--PROOF OF ELIGIBILITY	TITLE XI, PART C, SUBPART 5--DEFINITIONS
A definition of the term, "Indian", is provided for purposes of determining the eligibility of persons to participate in Indian Education Act programs. "Indians" are to include individuals who: are members of an Indian tribe or organization, or a descendant of such a member; have been deemed to be Indians by the Secretary of the Interior; are Eskimos, Aleuts, or other Alaskan Natives; or have been determined to be Indians in accordance with regulations promulgated by the Commissioner (now, Secretary) of Education, in consultation with the National Advisory Council on Indian Education. Data required to be included on forms for establishing and documenting eligibility are specified.	The current law provision is amended: to provide that eligibility data are to be provided to the Department of Education at the option of parents and for statistical purposes only, and not for establishment of eligibility; that membership in an Indian tribe or organization is to be defined by the tribes and organizations; and to vest responsibility for eligibility determinations with local educational agencies and (Indian) parent committees.	The current law provision is repealed, and replaced with a virtually identical definition of "Indian", except that provisions specifying data to be included on eligibility forms are not retained.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	TITLE VIII, PART D -- NATIVE AMERICAN INDIAN SCHOOLS (NATIVE AMERICAN INDIAN SCHOOL ACT)	
	Purpose of program	
No provision.	This new program authorizes the Secretary of the Interior to establish no more than 5 Native American Indian Schools to serve Indian students residing on Indian lands. Each school is to have the status of a separate corporation, similar to the status of the Institute for American Indian Arts. Provisions are made for a board of trustees, general powers of the board, employment and duties of a superintendent of the school, retention of Indian preference, non-political nature of the school, tax-exempt status, annual reporting, endowment program, and continued Federal financial support for the school.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Authorization of appropriations	
No provision.	The Secretary of the Interior is authorized to expend "such sums as may be necessary" for the establishment of these schools, with the funds to be provided through authorizations and appropriations that would have been available if the Native American Schools had not been formed.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
		TITLE XI, PART D -- MISCELLANEOUS PROVISIONS
No provision.	No provision.	The language regarding "necessary" expenses as a basis for the authorization of appropriations under the Navajo Community College Act is clarified. New provisions are added to the Tribally Controlled Community College Assistance Act of 1978 and the Navajo Community College Act regarding: (1) the methods used by the Secretary of the Interior in the disbursement of funds; (2) the interest obtained in the investment of such funds; and (3) non-Federal matching requirements.
		Enrollment and general assistance payments
No provision.	No provision.	The Secretary of the Interior shall not disqualify an otherwise eligible Indian for whom the BIA has been making general assistance payments for at least 3 months because the individual is enrolled at least half-time in specified education and training programs.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
No provision.	No provision.	**Use of Bureau facilities** The Secretary of the Interior is authorized to permit non-Federal organizations to use BIA facilities, and to charge fees for such use, if it does not interfere with the responsibilities of the BIA.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
		TITLE XI, PART E -- WHITE HOUSE CONFERENCE ON INDIAN EDUCATION
No provision.	No provision.	No earlier than September 1, 1989, and no later than September 30, 1991, the President is to conduct a White House Conference on Indian Education. The Conference is to explore the feasibility of establishing an independent U.S. Board of Indian Education, and to make recommendations to improve the relevancy of Indian education. An Interagency Task Force is created for Conference planning. Each Federal agency shall cooperate with, and provide assistance to, the Task Force. The final report of the Conference is to be submitted to the President, and transmitted to the Congress together with a statement by the President containing recommendations. An Advisory Committee of the Conference is established. There are authorized to be appropriated "such sums as may be necessary" for each of fiscal years 1988-1990.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	TITLE VIII, PART E -- NATIVE HAWAIIAN EDUCATION PROGRAMS	TITLE X -- EDUCATION FOR NATIVE HAWAIIANS
	Purpose of the program	
No provision.	The purpose of this program is both to provide supplemental educational services to Native Hawaiians, and to focus the attention of Federal, State, and local agencies on the educational needs of Native Hawaiians.	Same as House version.
	Native Hawaiian model curriculum development project	
No provision.	The Secretary of Education shall make grants to the State of Hawaii and the Kamehameha Schools/Bernice Pauahi Bishop Estate for implementation of the latter's KEEP model curriculum in at least 20 public schools.	Same as House version.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Native Hawaiian family based education centers	
No provision.	The Secretary of Education is to make grants to Native Hawaiian organizations for the establishment of at least 11 family-based education centers. The centers will provide parent-infant and preschool programs, plus research and development activities.	Same as House version.
	Native Hawaiian higher education demonstration programs	
No provision.	The Secretary of Education shall make grants to the Kamehameha Schools/Bernice Pauahi Bishop Estate for both undergraduate and graduate level fellowships for Native Hawaiian students at institutions of postsecondary education. These fellowships could be used for counseling, support, evaluation, and related activities, as well as tuition and fees.	Same as House version.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Native Hawaiian gifted and talented demonstration program	
No provision.	The Secretary of Education shall make grants to, or enter into contracts with, the State of Hawaii plus the Kamehameha Schools/Bernice Pauahi Bishop Estate for demonstration programs to meet the special needs of gifted and talented Native Hawaiian stuoents.	Same as House version, except that the Secretary is also to establish a Native Hawaiian Gifted and Talented Center at the University of Hawaii at Hilo. Further, the grants or contracts for demonstration programs are to include the University. In addition, the Secretary is to facilitate the creation of a network of Native Hawaiian and American Indian Gifted and Talented Centers.
	Native Hawaiian special education program	
No provision.	The Secretary of Education shall make grants to, or enter into contracts with, the State of Hawaii or Native Hawaiian organizations to provide special education programs for Native Hawaiian students.	Same as House version, except it is stated that services provided under these programs must be consistent with part B of the Education of the Handicapped Act.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Definition	
No provision.	"Native Hawaiians" are defined as persons who are United States citizens, residents of the State of Hawaii, and descendants of the aboriginal people who occupied Hawaii prior to 1778.	Same as House version.
	Authorization of appropriations	
No provision.	There is authorized to be appropriated a total of $9.9 million for this part for fiscal year 1988. For fiscal years 1989-93, the authorizations are the same as for FY 1988 for some programs of this part, but are "such sums as may be necessary" for others. Specific authorizations are provided for each program. Amounts appropriated are to remain available until expended.	Same as House version.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	SPECIAL PROGRAMS	
No comparable provision.	See title I, chapter 2 above for similar program (primary difference is source of funding).	TITLE II, PART B--EFFECTIVE SCHOOLS Authorizes grants to State and local educational agencies for effective schools programs. Such programs seek to achieve strong and effective leadership; emphasis on basic and higher order skills; safe and orderly schools; expectation that virtually all children can learn; and continuous assessment. There are authorized to be appropriated $25 million for FY 1989; $26.5 million for FY 1990; $27.5 million for FY 1991; $29 million for FY 1992; and $30.5 million for FY 1993.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
P.L. 92-506, AS AMENDED Under P.L. 92-506, as amended, grants are authorized to a private, non-profit organization, the Close-Up Foundation, to organize financial assistance to economically disadvantaged pupils and their teachers to participate in the Foundation's programs. The Close-Up program brings high school pupils to Washington, D.C., for instructional activities on American Government. Participants attend a variety of government functions (e.g., Congressional hearings), and receive instruction via seminars, lectures, etc., with governmental leaders. The appropriations authorization level is currently $2.5 million for each of FY 1988-89.	TITLE VI, PART B--ALLEN J. ELLENDER FELLOWSHIP PROGRAM The appropriations authorization for the Ellender Fellowship program is extended through FY 1993, at a level of $2.5 million for FY 1988 and "such sums as may be necessary" for each of FY 1989-93. The provisions regarding selection of recipients of the fellowships are amended to require that special consideration be given to "students with special educational needs, including handicapped students, students from recent immigrant families, and ethnic minority students" (sec. 6201(b)).	TITLE II, PART F--ALLEN J. ELLENDER FELLOWSHIP PROGRAM The Ellender Fellowship program is reauthorized through FY 1993, with an appropriations authorization level of $3 million for FY 1989, rising to $5 million for FY 1993, for each of 2 programs--fellowships for secondary school students and teachers, and fellowships for older Americans and recent immigrants. The Senate bill also contains language similar to that of the House version regarding consideration for students with special needs.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
No provision.	No provision.	TITLE II, PART E--FAMILY-SCHOOL PARTNERSHIP This part authorizes the Family-School Partnership Act for demonstration grants to local education agencies for family-school educational partnership activities. Among these activities are family training, developing new school procedures to respond to changing needs of students and families, and providing personnel to coordinate family involvement activities. Private school pupils, families, and teachers are to participate. An administrative unit for family-school partnerships in education is established in the Department of Education. The annual authorization is $10.5 million for FY 1989, $10 million for FY 1990, $11 million for FY 1991, $12.5 million for FY 1992, and $14 million for FY 1993.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
EDUCATION FOR ECONOMIC SECURITY ACT, TITLE VI--EXCELLENCE IN EDUCATION PROGRAM	TITLE VI, PART E--EXCELLENCE IN EDUCATION	Section 6006--Repeal
This program supports activities that improve educational quality. Among such activities are raising high school graduation requirements, limiting elective courses in secondary schools, and increasing learning time. Up to 500 schools can be funded. The FY 1988 authorization is $16 million.	The House bill repeals title VI, Education for Economic Security Act, and reauthorizes this program as part of the School Improvement Act of 1987. The only substantive difference from current law is the reduction of the FY 1988 authorization level to $5 million and the authorization of "such sums as may be necessary" for FY 1989 through FY 1993.	This section repeals title VI of the Education for Economic Security Act.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
		TITLE IX, PART B--FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING
No provision.	No provision.	This part establishes the Fund for the Improvement and Reform of Schools and Teaching within the Department of Education. The SEcretary of Education is to carry out this program through the Fund for the Improvement of Schools and Teaching Board. The Secretary is to support projects that help "at risk" children meet higher educational standards; promote ties among school personnel, families, and the community; improve the professional status of teachers; increase the number of minority teachers; and improve teacher certification processes. No single grantee may receive less than $5,000 or more than $125,000 in any fiscal year. No later than June 1, 1990, the Secretary is to report to the Congress on programs assisted by the Fund. The Director of the Fund is to meet regularly with the Director of the Fund for the Improvement of Postsecondary Education. The annual appropriation authorization is $18 million for FY 1989, $18.9 million

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
		for FY 1990, $19.9 million for FY 1991, $21 million for FY 1992, and $22 million for FY 1993.
		TITLE IX, PART C--OPTIONAL TESTS FOR ACADEMIC EXCELLENCE
No provision.	No provision.	This part authorizes the Secretary of Education to approve tests of academic excellence, or develop such a test, for the identification of outstanding students in the 11th grade in public and private secondary schools. Tests are to be given on a voluntary basis with administrative costs met by the Secretary. No less than $2 million is to be used for this purpose from the funds reserved under section 405(f)(1)(D) of the General Education Provisions Act.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
No provision.	No provision.	TITLE II, PART H--PARENTAL CHOICE OPEN ENROLLMENT DEMONSTRATION PROGRAM IN PUBLIC SCHOOLS This part authorizes a program of demonstration grants to local educational agencies that permit elementary and secondary students to enroll, according to parental choice, in public schools without regard to attendance zones. Funds may be used for activities that increase attendance and achievement, accountability for school success, parental involvement, and public interest in local schools. Unless very large numbers of students are being served, individual grants are limited to $1 million in any year. No later than October 1, 1992, the Secretary of Education is to report to the Congress on the results of an independent evaluation of these programs. The annual authorization is $15 million for FY 1989, $16 million for FY 1990, $17 million for FY 1991, $18 million for FY 1992, and $19 million for FY 1993.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
No provision.	No provision.	TITLE II, PART I--RURAL EDUCATION OPPORTUNITIES This program authorizes 10 regional rural assistance centers to assist State and local educational agencies improve the quality of education for educationally disadvantaged children who are participating in programs under chapter 1 of title I of this Act, and who reside in rural areas or attend small schools. Each center must coordinate its activities with technical assistance centers established under chapter 1, coordinate its activities with State and local chapter 1 programs, and assist in the identification of successful programs and practices for dissemination through the National Diffusion Network. There are authorized to be appropriated $10 million for FY 1989, $10.5 million for FY 1990, $11 million for FY 1991, $12 million for FY 1992, and $13 million for FY 1993.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
		TITLE II, PART J--SECRETARY'S FUND FOR INNOVATION IN EDUCATION
No comparable provision.	No comparable provision.	The Secretary of Education is authorized to make grants for programs strengthening elementary and secondary education. Among the eligible activities are educational television and radio programming, computer-based instruction, comprehensive school health education, telecommunications and video instruction, a Pride in Schools program for facilities maintenance activities, and youth suicide prevention. The annual authorization is $20 million for FY 1989, $21 million for FY 1990, $22 million for FY 1991, $23 million for FY 1992, and $25 million for FY 1993.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
SECTIONS 1524 AND 1525, P.L. 95-561 Two provisions initially enacted in the Education Amendments of 1978 (P.L. 95-561) authorize educational assistance to certain Outlying Areas of the United States. Sec. 1524 authorizes a program of General Assistance to the Virgin Islands, while sec. 1525 authorizes assistance to Territorial Teacher Training programs in all of the Outlying Areas. Currently, each of these programs is authorized through FY 1989, at an annual level of $5 million for General Assistance to the Virgin Islands, and $2 million for Territorial Teacher Training.	TITLE VI, PART D--TERRITORIAL ASSISTANCE These 2 programs are extended for fiscal years 1989-93, at an annual level of "such sums as may be necessary," and without substantive amendment.	TITLE II, PART G--TERRITORIAL ASSISTANCE Same as the House bill, except that the appropriations authorization levels are specified. For General Assistance for the Virgin Islands, the authorization is $5 million for FY 1989, rising to $7 million for FY 1993. For Territorial Teacher Training, the authorization is $2 million for FY 1989, increasing to $2.6 million for FY 1993.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
TITLE IX, PART C, ELEMENTARY AND SECONDARY EDUCATION ACT--WOMEN'S EDUCATIONAL EQUITY ACT		
Short title; purpose		
Congress finds that educational programs are frequently inequitable for women and limit full participation in American society. Excellence in education cannot be achieved without equity for women and girls.	Same as current law.	Same as current law.
The purpose of the Women's Educational Equity Act (WEEA) is to provide educational equity for women and girls, including those who suffer from multiple discrimination on the basis of sex as well as of ethnic origin, disability, or age. Another purpose is to provide financial assistance for meeting the requirements of title IX of the Education Amendments of 1972.	Same as current law.	Same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Grant and contract authority		
The Secretary is authorized to make grants and enter into contracts with public agencies, private nonprofit agencies and organizations, and individuals in order to achieve the purposes of WEEA at all levels of education.	Same as current law.	Same as current law.
Support may be provided for demonstration, developmental, or dissemination activities of national, statewide, or other general significance, including developing and evaluating curriculum materials, training, research and development, guidance and counseling, and expanding programs and opportunities.	Same as current law.	Same as current law except restricts curriculum development to where such materials are commercially unavailable.
Assistance not to exceed two years may also be provided for establishing and operating projects of local significance, including activities that are incident to compliance with title IX of the Education Amendments of 1972. At least 75 percent of the funds for these projects must be awarded to local educational agencies. At least one award must be made for each activity specified above for projects of general significance.	Same as current law.	Same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
The first $6 million of funds available for WEEA shall be used for activities of national, statewide, or other general significance. Additional funds may be used either for such activities or for projects of local significance.	Same as current law.	Sets threshold for funding projects of local significance at $3 million.
Application; participation		
Applications must provide that projects and activities for which assistance is sought will be administered by or under the supervision of the applicant. The program must be described. Steps ensuring adequate evaluation must be set forth.	Same as current law.	Where appropriate, adds requirement for an evaluation or estimate of the potential for continued significance following completion of grant period.
No comparable provision.	No comparable provision.	Special consideration is to be given to applications from applicants not previously having received WEEA assistance, and from applicants on the basis of geographic distribution.
Nothing in WEEA shall be construed as prohibiting men and boys from participating in assisted programs.	Same as current law.	Same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Challenge grants		
Part of the funds for activities of national, statewide, or other general significance shall be used for challenge grants to support comprehensive plans, innovative approaches, etc. Each grant is limited to $40,000.	Same as current law.	Same as current law.
Criteria and priorities		
The Secretary shall establish by regulations separate criteria and priorities for activities of national, statewide, and other general significance and for projects of local significance.	Same as current law.	Same as current law.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
National Advisory Council on Women's Educational Programs		
A National Advisory Council on Women's Educational Programs is established in the Department of Education. The Council shall be composed of 17 individuals appointed by the President who among other things are representative of certain groups of women or are expert in their educational needs, the staff Director of the Civil Rights Commission, the Director of the Women's Bureau of the Department of Labor, and the Director of the Women's Action Program of the Department of Health, Education, and Welfare.	Deletes reference to Director of the Women's Action Program of the Department of Health, Education, and Welfare.	No provision for Council.
Members appointed by the President shall have 3-year terms, except for those first appointed and those filling vacancies.	Same as current law.	No provision for Council.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
The duties of the Council shall include among other things advising the Secretary and Congress about equal educational opportunities for women and policy matters relating to WEEA administration, making recommendations to the Secretary about funding priorities, advising all Federal agencies with education programs about aspects relating to women, making reports to the President and Congress, and disseminating information about the Council's activities.	Same as current law.	No provision for Council.
The provisions of part D of the General Education Provisions Act shall apply to the Council.	Same as current law.	No provision for Council.
No comparable provision.	WEEA shall be administered within the Office of Educational Research and Improvement within the Department of Education by an individual reporting directly to the Assistant Secretary.	No comparable provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Reports, evaluation, and dissemination		
Not later than September 30th each year 1985 through 1989 the Secretary shall submit to the President, Congress, and the Council a report on programs and activities assisted by WEEA. The report shall be distributed to interested groups and individuals, including Congress, from WEEA funds. After receiving the report, the Council shall oversee an evaluation of the assisted programs and projects and report on it in its annual report.	Extends years in which reports are required through 1993.	Requires the Secretary, with WEEA funds, to submit a report on assisted programs and activities to the President and Congress no later than September 30, 1992, and to provide for distribution of the report.
The Office of Women's Educational Equity shall evaluate and disseminate (at low cost) all materials and programs developed under WEEA.	Makes Office of Educational Research and Improvement responsible for such evaluation and dissemination.	Same as the House bill, though also deletes phrase "at low cost."
Authorization of appropriations		
The following appropriations are authorized for WEEA: FY 1985 -- $10 million FY 1986 -- $12 million FY 1987 -- $14 million FY 1988 -- $16 million FY 1989 -- $20 million	Increases the appropriation authorized for FY 1988 to $20 million; authorizes "such sums as may be necessary" for each of the five subsequent years.	Authorizes the following appropriations: FY 1989 -- $5.3 million FY 1990 -- $5.6 million FY 1991 -- $5.9 million FY 1992 -- $6.2 million FY 1993 -- $6.5 million

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Repeal		
No comparable provision.	Repeals previous WEEA legislation.	Same as H.R.5.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	ADMINISTRATIVE PROVISIONS: AUDITS	
PART E. GENERAL EDUCATION PROVISIONS ACT	**SECTION 9301--ENFORCEMENT UNDER THE GENERAL EDUCATION PROVISIONS ACT**	
Education Appeal Board; Office of Administrative Law Judges		
Recipients of ED grants or contracts who have been audited and have received formal notice stating the findings of the audit--e.g., received a "final letter of determination"--can appeal those findings to the Education Appeal Board. The Board is an administrative unit within the ED that is authorized to conduct audit appeal hearings, cease and desist hearings, and other proceedings designated by the Secretary. Members of the Board are chosen by the Secretary and may include individuals who are employees of the Federal Government. The Secretary designates one of the Board members as its chairperson. Membership of the Board is limited to at least 15, but not more than 30, members, and no more than one-third can be employees of the ED. Audit appeal hearings are conducted	The Education Appeals Board is replaced by an Office of Administrative Law Judges within the ED. The judges are responsible for the same types of hearings as the Education Appeals Board, but unlike members of the Education Appeal Board, are considered employees of the ED. The Secretary designates one of the judges as the chief judge, and the chief judge assigns one judge to each case. Regulations must be promulgated by the Secretary for the procedures of this Office that give the parties the hearing rights established in the Administrative Procedures Act.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
by panels of at least 3 Board members. Only the Secretary can modify or reverse a panel's decision.		
	Discovery	
No provision.	A process of discovery is provided for the parties to an audit. The administrative law judges have the authority to order a party to produce relevant documents, to answer written interrogations, and to have depositions taken. The judges must set a time limit on the discovery period. The judges also have the authority to issue subpoenas, and to apply to Federal District Courts for their enforcement.	No provision.
	Attorney's fees	
No provision.	The Equal Access to Justice Act, relating to the costs of litigation and attorney's fees, is applicable to these proceedings.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Mediation	
No provision.	The Secretary is authorized to establish a system for voluntary mediation of disputes pending before the Office of Administrative Law Judges. The mediator must be independent and accepted by all parties in the dispute.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Audit determinations; recovery of funds		
An administrative mechanism is established to recover funds determined by an audit to have been misspent. The General Education Provisions Act (GEPA) establishes notification, appeal processes and time lines ED must follow in issuing and enforcing a final audit determination. These provisions apply to formal actions taken only after a final audit determination is made--that is, after the auditor's report has gone through an audit resolution process involving the audited recipient and ED program officials. The GEPA does not specify the process that is used by the ED to review audit findings prior to the issuance of a final audit determination. The audit determination provisions govern funds that were misspent or disallowed under the program law and the process the ED must use to recover these funds from the recipient (usually State and local educational agencies).	This provision of the GEPA is renamed, "Recovery of Funds." Although an administrative mechanism by which the ED can recover misspent or disallowed funds is maintained, the process of determining final action on audit findings is significantly changed. The formal written notification of an audit finding, currently called the final audit determination, is replaced with two formal written notifications: (1) the preliminary Department determination (issued after the audit but before the appeals process) and (2) final agency determination (issued after appeals and any adjustments are made to the audit claim).	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Procedures		
The GEPA establishes the process and time lines by which the ED notifies a recipient of a final audit determination, and the appeals procedures available to that recipient.	The procedures under which the recipient receives written notice of audit findings are changed. The Secretary must give the recipient written notice of a preliminary Departmental decision, and notify the recipient of its right to have that decision reviewed by the Office of Administrative Law Judges and its right to mediation. Time lines for review and appeal of an audit finding are established.	No provision.
Burden of proof		
Unless the Education Appeal Board determines that a final audit determination lacks sufficient detail to justify the finding, the burden is on the recipient to demonstrate why expenditures should be allowed when they were disallowed in the final audit determination.	The burden of establishing a "prima facie" case for the recovery of funds is placed on the Secretary. Failure by recipients to maintain records required by law, or failure to allow the Secretary access to such records, automatically constitutes a "prima facie" case. After the Secretary establishes a "prima facie" case, the burden of proof shifts from the ED to the recipient.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Compromise claim		
Subject to certain requirements, the Secretary is allowed to waive payment of any claim of disallowed expenditures under $50,000, when the collection of any or all of the claim would not be practical or in the public interest, and when the practice that resulted in the claim has been corrected.	Similar to current law, except the amount that can be waived by the Secretary is increased to $200,000.	No provision.
Time limitations		
Places a 5-year limit (from the time the disallowed expenditure was made to the time a final audit determination was issued) on when disallowed expenditures must be paid.	Similar to current law.	No provision.
	Subrecipient recovery	
No provision.	A process is established for a State to require local educational agencies that are affected by an audit finding to pay funds that they have	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	misspent. The State must send copy of the preliminary Department determination to the local educational agency within 10 days after the State received notice.	
	Publication of Departmental decisions	
No provision.	The Secretary is required to publish the final agency action on an audit in the Federal Register.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Substantial evidence	
No provision.	The Secretary is required to review the determinations made on audits that are appealed to the Office of Administrative Law Judges under a "substantial compliance" test (i.e., the findings of fact, if supported by substantial evidence, must be conclusive).	No provision.
	Measure of recovery	
No provision.	Calculation of Harm: Requires that funds disallowed in an audit be paid back to the Federal Government in an amount that is "proportionate to the extent of harm its violation caused to an identifiable Federal interest." Examples of identifiable Federal interest include serving only eligible beneficiaries, providing only authorized services or benefits, complying with fiscal accounting requirements, and maintaining accountability for the use of funds.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Mitigating Circumstances: Establishes a set of "mitigating circumstances" that, if demonstrated by the State or local agency, exempt them from being required to pay back unallowable expenditures. These circumstances include reliance upon incorrect written guidance from the ED; the failure of the ED to respond within 90 days to a written request for guidance; and reliance upon a judicial decree issued to the recipient. In order to demonstrate the failure of the ED to respond to a written request for guidance, the State must provide accurate information about the questioned issue or expenditure, the chief legal counsel of the State must certify that he/she believes the expenditure or practice to be lawful, and the State or local agency must believe that the expenditure or practice was reasonable.	
	Dissemination of Guidance: Requires the Secretary to disseminate to State educational agencies answers to requests for guidance that meet	

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	the criteria established under the "mitigating circumstances" provisions, when the guidance involves significant interpretations of the law or policy.	
Other enforcement methods		
In addition to the audit determination provisions, the ED can use other methods to enforce compliance with Federal statutes. These methods provide prospective remedies, and recipients do not have to pay back funds spent in violation of the law. These other methods are withholding of future funds and cease and desist orders, which require the recipient to stop immediately the questioned practice or expenditure. Both of these methods are subject to administrative and judicial appeal.	Similar to current law, except a new method for enforcement called a compliance agreement is added, that is described below. Compliance agreements The Secretary may enter into compliance agreements with any recipient who can prove that full compliance with a law is not feasible until a future date. The substance of the compliance agreement must be published in the Federal Register. Recipients have up to 3 years to achieve full compliance. A recipient who enters into a compliance agreement may still be required to pay back funds misspent prior to the date of the compliance agreement.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Judicial review		
The GEPA establishes the procedures and circumstances under which a judicial review of an administrative appeal is appropriate. The judicial	Similar to current law, except the Secretary cannot take any action to collect misspent funds until all administrative appeals and judicial reviews are completed. (Under current law, the Secretary can collect misspent funds after the administrative appeal process is completed.)	No provision.
Use of recovered funds		
The Secretary has discretionary authority to repay State or local educational agencies up to 75% of the amount they paid the ED, after they were found to have misspent funds. The auditee must correct the practice that led to the audit finding and the amount repaid must be used to benefit the population affected by the problem.	Substantially similar to current law, except the Secretary's discretionary authority to return recovered funds is expanded to include any recipient, not just State or local educational agencies.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	(NATIONAL) CENTER FOR EDUCATION STATISTICS	
SECTION 406, GENERAL EDUCATION PROVISIONS ACT	**SECTION 9311--CENTER FOR EDUCATION STATISTICS**	
Name of the center		
Section 406 of the General Education Provisions Act (GEPA) establishes the Center for Education Statistics as the organizational entity that administers Federal education statistical activities.	The name is changed to the National Center for Education Statistics.	No provision.

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Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Head of the center		
The Center is headed by a Director, who is appointed under the competitive service by the Assistant Secretary of Educational Research and Improvement.	The Center is headed by a Commissioner of Education Statistics, appointed for a fixed, 4-year term by the President, with the advice and consent of the Senate. The Commissioner is to be compensated at the rate of Executive Level IV (the same as the Assistant Secretary of Educational Research and Improvement). The Commissioner must have substantial experience and knowledge of the Center's programs. There is to be an Associate Commissioner for Statistical Standards and Methodology, and an Associate Commissioner for International Education Statistics.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Advisory council		
The Advisory Council on Education Statistics is composed of 7 members appointed by the Secretary, and 3 ex officio members (the Assistant Secretary for Educational Research and Improvement, the Director of the Census, and the Commissioner of Labor Statistics), with the Assistant Secretary designated as the non-voting presiding officer of the Council. The Council is responsible for establishing statistical standards for the Center.	The seven appointed members are required to be public members; the Commissioner of Education Statistics and the Chairman of the National Commission on Libraries and Information Science are added as ex officio Council members; and the Commissioner is designated as the non-voting presiding officer of the Council. The Council must provide advice on statistical standards for the Center.	No provision.
Annual report		
The Secretary is required to submit to the Congress an annual statistical report on the condition of education in the United States.	The Commissioner must submit the annual statistical report on the condition of education. The Secretary may submit to the Congress an annual report on the State of Education in the Nation, including the Secretary's views of critical needs in education and the most effective manner in which the Nation and the Federal Government might address these needs.	No provision.

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Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Administrative provisions		
The Secretary is authorized to administer education research and statistical activities, either directly or through grants, contracts, and cooperative agreements.	The Commissioner is given independent authority to administer education statistical activities, including contracts or other financial arrangements (without modifying the Secretary's authority). The Commissioner is authorized to prepare and publish documents and other reports, as required or deemed appropriate. The Commissioner is authorized to use sampling techniques to gather statistics.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Other reports and studies; dropout and retention rates	
No provision.	The Commissioner must issue regular public reports on education indicators, such as dropout and retention rates, the results of education, supply and demand of education personnel, and libraries. The Commissioner must establish a special study panel on education indicators; the panel will make recommendations on the indicators reported by the Commissioner. The Center will: (1) conduct an annual national survey of dropout and retention rates; (2) make an annual report to the Congress on dropout and retention rates; and (3) report every 10 years on the social and economic status of children who reside in different school districts, on the basis of the most recent decennial census.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Postsecondary student survey		
No less than once every 3 years, the Secretary must survey postsecondary student aid recipients (required by section 1303(a) of the Higher Education Amendments of 1986, P.L. 99-498).	The Center will conduct once every 3 years a national study and survey of postsecondary student financial aid (but the requirement that the Secretary conduct the survey is not be amended).	No provision.
	National longitudinal survey	
No provision.	The Center must conduct a national longitudinal survey of the educational progress of a sample of elementary and secondary school students.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	Confidentiality	
No provision.	The protection of the confidentiality of individual respondents is required in surveys conducted or authorized by the Center. Individual responses are declared immune from any legal process, without individual consent; this provision applies to individually identifiable data that are in the possession of the Center or any of its employees, contractors, or agents. Protection of confidentiality applies only to individuals and not to States, local educational agencies, or schools.	No provision.
	Cooperative statistics system	
No provision.	The National Cooperative Education Statistics System is established within the Center; the System will produce and maintain comparable and uniform data that are useful for policy making at the Federal, State, and local level; States may participate in this system on a voluntary basis. The Center will establish a special program to train State and local personnel in the operations of the Center.	No provision.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Authorization of appropriations; statistics		
The authorization of appropriations for the Center is part of the authorization for the Office of Educational Research and Improvement (OERI). (Section 405(f)(1) of the GEPA authorizes for the OERI $72.231 million for FY 1987, and "such sums as may be necessary" for each of the four succeeding fiscal years.) In any fiscal year that the appropriation for the OERI equals or exceeds the amount appropriated in FY 1986, the amount expended for education statistics shall not be less than $8.75 million.	The Center has a separate authorization of appropriations of $25.809 million for FY 1988, $32.823 million for FY 1989, $37.323 million for FY 1990, and "such sums as may be necessary" for each of FY 1991 through FY 1993. These amounts include salaries and expenses (which are separately authorized for the entire Department under existing law).	No provision (except for the authorization for the National Assessment, discussed below).

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate

NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

SECTION 405(e), GENERAL EDUCATION PROVISIONS ACT

National Assessment of Educational Progress

The National Assessment of Educational Progress must report at least once every 5 years on the performance of the Nation's students at various age or grade levels in the areas of reading, writing, and mathematics, and conduct special assessments of other areas as needed (required by section 405(e) of the GEPA).

SECTIONS 1436 AND 9350, TITLE IX, PART A--NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS IMPROVEMENT ACT

The National Assessment must also specifically report on the performance of students served by chapter 1 of the School Improvement Act of 1987 and chapter 1 of the Education Consolidation and Improvement Act of 1981 (section 9350 of the School Improvement Act of 1987). The Secretary must contract with the organization conducting the National Assessment to conduct a national longitudinal study of such children, including the impact of participation until the children reach 18 years of age, and comparing them with children who did not participate in chapter 1 programs; an extended follow-up sample will evaluate the effects of participation through 25 years of age (section 1436 of the School Improvement Act of 1987).

The provisions for the National Assessment are rewritten to: (1) expand the number of educational subjects to report at least every two years on reading and mathematics, every four years on writing and science, and every six years on history, geography, and civics; (2) increase the geographic coverage to provide reports on a national, regional, and State basis; and (3) strengthen the provisions to ensure privacy of individual students and their families. In addition, a uniform standard of literacy achievement must be developed and used to assess a national sample of the adult population.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
Assessment policy committee		
The organization that carries out the National Assessment must establish a 19-member Assessment Policy Committee to design and supervise the conduct of the National Assessment.	No provision.	The Assessment Policy Committee is replaced by a 20-member National Assessment Governing Board that is appointed by the Secretary to design and supervise the conduct of the National Assessment.
Authorization of appropriations: assessment		
The authorization of appropriations for the National Assessment is part of the authorization for the Office of Educational Research and Improvement (OERI). (Section 405(f)(1) of the GEPA authorizes for the OERI $72.231 million for FY 1987, and "such sums as may be necessary" for each of the 4 succeeding fiscal years.) In any fiscal year that the appropriation for the OERI equals or exceeds the amount appropriated in FY 1986, the amount expended for the National Assessment shall not be less than $4 million.	No provision (except for the authorization for educational statistics, discussed above).	The authorization for the OERI is extended for 2 additional years (through FY 1993) at a level of "such sums as may be necessary" for each additional year. In any fiscal year that the appropriation for the OERI equals or exceeds the amount appropriated in FY 1986, the amount expended for the National Assessment shall not be less than $12.5 million for FY 1989, $18.5 million for FY 1990, $17.9 million for FY 1991, and $19.6 million for each of FY 1992 and FY 1993.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
VOCATIONAL EDUCATION		
Vocational education		
The Carl D. Perkins Vocational Education Act (P.L. 98-524) requires each State to reserve 8.5 percent of its basic State grant for vocational education programs serving single parents and homemakers.	No provision.	The provision is amended so that the reserved funds may be used for programs for single pregnant women as well.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
COMPREHENSIVE CHILD DEVELOPMENT PROGRAM		
No comparable provisions, although Head Start (42 USC 9831 et seq) authorizes funding for comprehensive health, nutrition, education, social and other services for primarily low-income children under the age of compulsory school attendance, and mandates the participation of parents in the program.	No provision.	**TITLE XII--COMPREHENSIVE CHILD DEVELOPMENT PROGRAM** The Head Start Act is amended to authorize $25 million annually for 80 percent matching grants for FY 1989-1993 for planning and implementing child development projects. These projects are to provide intensive and comprehensive services for low-income children from birth to compulsory school age, and their parents. The Secretary of Health and Human Services is to make arrangements with 10 to 25 eligible entities to plan or implement child development projects. Eligible entities are Head Start agencies, community-based organizations, institutions of higher education, public hospitals, community development corporations, or other public or private non-profit entities specializing in providing services to young children.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
		In awarding grants, the Secretary is to consider the agency's capacity to administer the program, proximity to potential recipients or capacity for off-site services, ability to coordinate with relevant agencies, management and accounting skills, ability to use other appropriate programs, and community involvement. Eligible services include infant and child health services; child care; early childhood development programs; early intervention services for children with, or at-risk of, developmental delays; nutrition services; prenatal care; education in infant and child development, health, nutrition, and parenting; referral for education, employment counseling, and training; and assistance in securing income support, health care, nutrition assistance, and housing.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
		The Secretary of Health and Human Services is to evaluate these projects, and may report to the Congress on the evaluations by October 1, 1992. **Planning grants** Up to 30 grants may be made for planning child development projects. Planning grants are limited to 1 year, and no single planning grant may exceed $35,000. Applicants for planning grants must submit an application containing specified information. **Service grants** Applicants for service grants must have either an approved planning grant application or experience conducting similar projects, and must submit an application containing specified information, including assurances that services will be provided on a continuous basis, beginning with prenatal care. The Secretary is to ensure that projects in rural areas receive child development service grants.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate
	EDUCATION AND TRAINING OF DISABLED PERSONS	
While there is nothing in current law that is equivalent to the specific grant authorized in the Senate version of H.R. 5, a range of services for disabled persons is authorized under the Rehabilitation Act of 1973, as amended.	No provision.	TITLE XIII--SPECIAL GRANT FOR EDUCATION AND TRAINING FOR INDIVIDUALS WITH DISABILITIES The Secretary of Education is authorized to make a grant to the STate of Utah to carry out education and training programs for disabled persons. An FY 1988 appropriation of $4 million is authorized for this purpose.

Current law	H.R. 5, as passed by House	H.R. 5, as passed by Senate

OBSCENE OR INDECENT TELEPHONE COMMUNICATIONS

COMMUNICATIONS ACT OF 1934, SECTION 223

Current law prohibits making, either directly or through a recording device, any obscene or indecent telephone communication for commercial purposes to any person under 18 years of age. An affirmative defense to a prosecution under this law is provided through compliance by the accused party with Federal Communications Commission regulations restricting access by minors to such telephone communications. The latter provision is designed to protect the rights of adults who might wish to place or receive telephone calls of this nature.

No provision.

TITLE VII, SECTION 7003--PROHIBIT DIAL-A-PORN OPERATIONS

The Communications Act of 1934 is amended to outlaw <u>all</u> commercial telephone calls of an obscene or indecent nature, regardless of the age of the caller or the voluntary nature of the call.